DOCUMENT RESUME

ED 032 337 24 TE 499 935

By-Beebe, Ralph K.
The Embargo of 1807: A Study in Policy-Making. Teacher and Student Manuals.
Amherst Coll., Mass.
Spons Agency-Office of Education (DHEW), Washington, D.C. Bureau of Research.
Report No-CRP-H-168
Bureau No-BR-5-1071
Pub Date 65
Contract-OEC-5-10-158
Note-67p.
EDRS Price MF-$0.50 HC Not Available from EDRS.
Descriptors-*Curriculum Guides, Decision Making, Democratic Values, Foreign Policy, *Leadership, Leadership Qualities, Leadership Responsibility, Leadership Styles, Majority Attitudes, *Policy Formation, Political Influences, Political Power, Public Opinion, Secondary Education, *Social Studies, *United States History
Identifiers-*Thomas Jefferson

Focusing on the controversy which surrounded Thomas Jefferson and the Embargo of 1807, this social studies unit examines the numerous factors which affect presidential policy-making and leadership. The unit presents newspaper accounts of the boarding of the American frigate "Chesapeake" by the English in 1807 and enumerates the factors that influenced Jefferson's subsequent response to the situation--(1) Jefferson's temperament, his political philosophy and feelings about the limitations of the federal government, and how this complicated his decision, (2) the political and international situation existing at the time of the Chesapeake incident which conditioned Jefferson's response, (3) his actual response to the crisis and steps in the development of his policy of embargo, and (4) public reaction to the Embargo and Jefferson's difficulties in carrying out this policy. Jefferson's policy is then assessed and the complexities involved in the judgment of any public policy are discussed. Included are excerpts from the writings of Thomas Jefferson and newspaper accounts of American and British reactions to the crisis. [Not available in hard copy due to marginal legibility of original document.] (Author/JB)

ED032337

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
OFFICE OF EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL OFFICE OF EDUCATION POSITION OR POLICY.

EXPERIMENTAL MATERIAL
SUBJECT TO REVISION
PUBLIC DOMAIN EDITION

TEACHER'S MANUAL

THE EMBARGO OF 1807:
A STUDY IN POLICY-MAKING

Ralph K. Beebe
Willamette High School
Eugene, Oregon

This material has been produced
by the
Committee on the Study of History, Amherst, Massachusetts
under contract with the U. S. Office of Education
as Cooperative Research Project #H-168.

TE499 935

NOTE TO THE PUBLIC DOMAIN EDITION

This unit was prepared by the Committee on the Study of History, Amherst College, under contract with the United States Office of Education. It is one of a number of units prepared by the Amherst Project, and was designed to be used either in series with other units from the Project or independently, in conjunction with other materials. While the units were geared initially for college-preparatory students at the high school level, experiments with them by the Amherst Project suggest the adaptability of many of them, either wholly or in part, for a considerable range of age and ability levels, as well as in a number of different kinds of courses,

The units have been used experimentally in selected schools throughout the country, in a wide range of teaching/learning situations. The results of those experiments will be incorporated in the Final Report of the Project on Cooperative Research grant H-168, which will be distributed through ERIC.

Except in one respect, the unit reproduced here is the same as the experimental unit prepared and tried out by the Project. The single exception is the removal of excerpted articles which originally appeared elsewhere and are under copyright. While the Project received special permission from authors and publishers to use these materials in its experimental edition, the original copyright remains in force, and the Project cannot put such materials in the public domain. They have been replaced in the present edition by bracketed summaries, and full bibliographical references have been included in order that the reader may find the material in the original.

This unit was initially prepared in the summer of 1965

TEACHER'S MANUAL

This unit is a study of presidential policy-making, using the Embargo of 1807 as a case in point. It invites the student to examine a major crisis and how a president reacted to it. Its goal is to give the student some sense of the numerous factors which affect presidential decision-making as well as the limitations imposed on leadership in a democracy. A second goal is to get him to see some of the complexities involved in judging the wisdom of a given policy, either at the time it is made or in retrospect. Thus, the unit should not be seen merely as a study of the Embargo of 1807, but should provide a rich experience in which the student gains greater understanding of the nature of policy-making and the role of public opinion in a democracy.

A study of the controversy surrounding Jefferson and the Embargo of 1807 seems ideally suited to these ends. Here is a President of the United States whose political philosophy was grounded on the will of the people, falling victim to a massive public reaction against his policy; a President calling for extension of federal authority to meet a crisis yet philosophically committed to leaving the major powers of enforcement to weak, often apathetic or openly hostile local authorities; a President who, having decided upon a theoretically sound policy which was also effective, nonetheless saw it go down to defeat.

The suggestions which follow are not intended to set a pattern by which the unit must be taught, for teaching is always a creative art, demanding approaches consistent with varying personalities and interests. The student, however, should be encouraged to ponder, and the teacher should see himself as a guide to discovery rather than a mere supplier of information.

The time required for study of the unit may vary greatly in accordance with individual circumstances, eight to ten classroom days being probably sufficient. If so, the recommended time allotment would be approximately:

Prologue	½ - 1 day
Section I	1½ - 2 days
Section II	1 - day
Section III	1 - 2 days
Section IV	2 - 3 days
Section V and Epilogue	1 - 2 days

PROLOGUE

In the prologue, which might well be treated as part of the introduction, the student reads two documents. One introduces the Chesapeake incident and gives the student a taste of the temper of Americans in reacting to it, a factor which Jefferson, as President, had to take into account. The other speaks of Jefferson's aspirations for the United States. The situation was ready-made for war; Jefferson was a man of peace. After reading the two documents the student could be asked how a man like Jefferson might be expected to handle so delicate a situation, and whether a man of his visionary temperament might be expected to handle it well. The discussion of such questions might elicit recognition of further information the student would need and invite him to ask the kind of questions which should carry him into the principal work of the unit.

SECTION I

THOMAS JEFFERSON

This section should invite further consideration of Jefferson the man and of his ideas. Its purpose is to set up the question of the extent to which the temperament, character, and ideas of the policy-maker affect policy. The heart of the discussion should be Jefferson's temperament and character, and his ideas. The materials in Part IA, particularly the analysis by Hofstadter (IA3) should provide ammunition for the first part of the discussion; the excerpts from Jefferson's writings (IB) should provide material for the second part. Particularly important for development here are his beliefs in the efficacy of popular rule and in the desirability of limited government, and his dislike of war. The discussion might also develop the implications of his statement in IB15 that "a little rebellion, now and then, is a good thing," a statement which in some respects is an echo of some of the phrases in the Declaration of Independence (IB2). Students might be asked what Jefferson would have a democratic leader do in a situation in which the people wanted war.

A further question for discussion might be: Given a man of Jefferson's temperament and views, how would you expect him to fare in the presidency? Discussion of the question should serve at least to disabuse students of any predisposition to argue blithely that because Jefferson was a "good" man he must necessarily have been a "good" or successful president, and it should help to prepare them for a more analytical and critical consideration of the materials that follow.

SECTION II

THE BRINY JUNGLE

In this section the student explores the questions of neutral rights and impressment. These were the issues with which Jefferson was dealing and are the background for the Chesapeake incident and for the manner in which he handled it. The introduction and the first three documents deal with the question of neutral rights and its importance for each of the nations concerned--Great Britain, France, and the United States. While neutrals traditionally had some rights in time of war, the precise definition of those rights tended to vary with the nations defining them and the circumstances. It was in the interest of neutrals to maximize those "rights," and in the interest of belligerents to minimize them if they were aiding the enemy. Nor was it possible to define in the abstract what "fair" rights were, because a right "fair" to one contending interest might not be so for another. In the case at hand the discussion should bring out the fact that in practice the principle for which the Americans contended--that a neutral ship makes neutral goods--would actually serve to aid France. This was so because while the French were superior on land, the British were superior at sea; their only hope of victory lay in capitalizing on this strength through an effective blockade of the enemy.

The graph illustrates the value of the re-export trade to Americans. The perceptive student will note that the decline in the value of re-exports in 1803 coincides with the brief period of peace in Europe.

The impressment problem was a similarly complicated matter in which neither the United States nor Britain could clearly be held to have "right" on its side. As the documents indicate, conditions in the British navy combined with the high wages being offered by American merchantmen were encouraging many English seamen to desert; American shippers were only too glad to have their services and, as a result, were often willing to connive to gain them.

The student should see that while impressment was a problem well-calculated to arouse the ire of the American electorate, the United States government was at the same time being asked to defend the frequently illegal acts of its own citizens.

SECTION III

THE MAKING OF POLICY

Having discussed Jefferson and having looked at the issues of the day in previous sections, the student now examines in greater detail the Chesapeake incident itself and the crisis to which it gave rise, and he sees Jefferson formulating policy to deal with it.

At least two principal lines of discussion emerge. One has to do with the incident itself and its relationship to the crisis which resulted. The student should see that the Chesapeake was no ordinary merchant ship but a ship of the United States Navy; the incident was thus an affront to national honor. It was not so much the incident itself with which Jefferson had to deal as it was the reaction to it of Americans who demanded war. This discussion leads to some consideration of the relationship between events as they actually transpired and events as people think of them as having transpired, and the question as to whether those responsible for making policy respond to one or the other or both.

A second major topic of discussion would surely be Jefferson's reaction to the crisis and the development of the Embargo policy. The principal question would be how Jefferson reacted, and why. Why did he delay calling congress into session? Is his reaction consistent with his basic philosophy and with his temperament? Was he realistic to demand a complete solution to the impressment problem, and why did he do so? In what position did his demands place Ambassador Monroe? To what extent was the Embargo a response to public opinion, and to what extent was it a response to the Chesapeake incident?

Students might be asked at this point to write a short paper on whether they think as of 1807 the Embargo was wise policy.

SECTION IV

LIVING WITH THE POLICY

Section IV deals with the aftermath of the embargo and Jefferson's problems in enforcing it. The section puts in a new context the question of whether or not the Embargo was a wise policy. As of 1809 it had seemingly failed, and the act had been repealed. Did its apparent failure prove that it was not wise policy? Consideration of this question should take the student into a discussion of the reasons for its apparent failure. Clearly one of the reasons was lack of public support, motivated partly by political partisanship and partly by genuine economic distress. If this was the principal reason, was the failure Jefferson's or the public's?

A second line of questioning has to do with whether or not Jefferson could have commanded more effective public support for the policy and thus made it a success. Students might be asked why Jefferson depended so heavily on local enforcement, and whether any other course was open to him? Was he here being hamstrung by his own predilections for limited government, or was he in fact, in trying to make the embargo work, acting the part of the tyrannical ruler?

There is irony, of course, in the fact that a policy undertaken to maximize neutral trade and to protect sailors from impressment ended up by stopping trade altogether and by sending sailors scurrying back to the British navy.

SECTION V

ASSESSING THE POLICY

Section V invites the student to leave the question of the Embargo, except as a case in point, to consider the question of the responsibilities of leadership. Machiavelli is saying that a wise leader "neglects no prudent precaution," that he discerns evils before they develop, and that he must know the temper of his people. Lippmann, on the other hand, speaks of public opinion as often hindering wise leadership. A democracy has a hard time carrying out foreign policy that demands sacrifice on the part of the people, he remarks elsewhere, because a free people are seldom willing to sacrifice in any situation short of war. In the light of these comments, coupled with Bailey's summary of why the Embargo had apparently failed, how does the student evaluate Jefferson's leadership and the wisdom of the Embargo? Had Jefferson a responsibility to take into account such possible contingencies as the bumper crops abroad, the stubbornness of the British people, and the fact that the classes that were hardest hit would be the slowest to make their discontent felt in the British government? Had he a responsibility to know his own people better and to know that they would not accept a policy which involved self-denial for long? Or was his responsibility only to initiate and persevere in what seemed to him wise policy? Had he a right to expect more patriotic support on the part of the American people?

EPILOGUE

The epilogue treats the student to two final ironies. One is that economic coercion eventually worked, as Jefferson had predicted it would, but the United States had not been patient enough to wait for its success. The second is the fact that it is clear in retrospect that if the United States had gone to war in 1807 it would have gone to war a united nation, and probably been defeated. Instead the decision for war came in 1812, by which time the nation was deeply divided, partly as a result of Jefferson's policy; but, because the war in Europe was nearly over and the British were anxious for peace, we escaped defeat.

EXPERIMENTAL MATERIAL
SUBJECT TO REVISION
PUBLIC DOMAIN EDITION

STUDENT'S MANUAL

THE EMBARGO OF 1807:

A STUDY IN POLICY-MAKING

Ralph K. Beebe
Willamette High School
Eugene, Oregon

This material has been produced
by the
Committee on the Study of History, Amherst, Massachusetts
under contract with the U. S. Office of Education
as Cooperative Research Project #H-168.

0

TABLE OF CONTENTS

INTRODUCTION.. 1

PROLOGUE.. 2

I - THOMAS JEFFERSON.. 4

- A. Thomas Jefferson, The Man...................................... 4
- B. Jefferson's Ideas.. 5

II - THE BRINY JUNGLE.. 9

III - THE MAKING OF POLICY... 16

IV - LIVING WITH THE POLICY.. 31

- A. Public Reaction.. 31
- B. Jefferson's Continuing Trial................................... 45

V - ASSESSING THE POLICY... 56

EPILOGUE.. 57

SUGGESTIONS FOR FURTHER READING..................................... 58

INTRODUCTION

The unit that follows is a study of the trials and tribulations of President Thomas Jefferson as he sought to make policy for the United States in a dramatic situation in 1807. In a larger sense it is a study of the making of public policy in a democracy amid conflicting pressures and of the difficulties and responsibilities of leadership. As you look over Jefferson's shoulder and watch him making policy you will in a sense be looking over other presidential shoulders as well and can better understand some of the problems of Abraham Lincoln, weighing the pros and cons of issuing the Emancipation Proclamation; of Woodrow Wilson, grappling with the Lusitania crisis and the decision for war; of Herbert Hoover, striving to reconcile a deep-rooted personal philosophy with the need for government action in the great depression of 1919; and of John F. Kennedy, confronted with the problem of reacting to the presence of Soviet missiles in Cuba.

In this unit you will be participating with Jefferson in the agonizing process of making public policy. In Section I you will look at Jefferson himself and at some of his ideas about government. Section II deals with some of the issues of the times which were part of the background of the Chesapeake incident and which helped condition Jefferson's response to it. In Section III you will see the President is faced with the crisis and making his decision as to how to respond. Section IV deals with what happened and with Jefferson's subsequent problems in carrying out his policy.

PROLOGUE

1. Here is a newspaper account of an incident in 1807 involving a ship of the United States Navy:[1]

> We are now to present our readers the details of a most unexampled outrage, in the perpetration of which the blood of our countrymen has been shed by the hand of violence, and the honour and independence of our nation insulted beyond the possibility of further forebearance.
>
> At a very early hour yesterday morning a report reached this place, which produced a degree of agitation beyond anything we ever witnessed or can attempt to describe. It was reported that on the preceding evening the Chesapeake Frigate, which had gone to sea that morning, had been attacked by the British ship Leopard, Captain Humphries, of 50 guns, and that the Chesapeake had struck her colours. . . . [Accordingly] every vessel or boat from the Capes was boarded with great anxiety. . . . [About] 2 o'clock. . . . pointed information was received that the Chesapeake was returning to Hampton Roads without shewing any colours. About 4 o'clock all doubt was relieved, by a spectacle which was calculated, and did not fail, to arouse the indignation of every American present, and we trust that it will never subside until ample satisfaction has been made--eleven of our wounded fellow citizens arrived in a boat and we learned the following particulars, which we believe are correct.
>
> The Chesapeake Frigate . . . under Commodore James Barron got away to sea Monday morning. About 3 o'clock the . . . Leopard approached . . . hailed, and hoped Commodore Barron was well, and informed that . . . [it] had dispatches for the Commodore. The ships hove to and a boat came on board the Chesapeake . . . [with a letter demanding that the ship be searched for deserted] British seamen . . . and that if they were not delivered by fair means [the British would] use force. Commodore Barron [answered] that the orders of his government forbid him to permit his vessel to be searched, or to deliver a man from her. The boat from the Leopard had no sooner returned on board, than . . . [there] instantly followed . . . a broadside from the Leopard, accompanied by swivels and small arms. Six other broadsides followed, the two ships then within pistol shot. On board the Chesapeake all was astonishment, the ship was unprepared for action, no man at his quarters, and some of the officers at dinner. . . . Three of the crew were killed, and sixteen wounded, some dangerously. . . . The ship is greatly injured in her hull, masts and rigging. . . . Such are the details of the affair, which we believe are substantially correct, being mostly furnished by a gentleman who was on board the Chesapeake last evening.

---

[1] *Norfolk Gazette and Publick Ledger*, June 24, 1807.

2. This is the man who was President at that time:[2]

> Jefferson aspired beyond the ambition of a nationality, and embraced in his view the whole future of man. That the United States should become a nation like France, England, or Russia, should conquer the world like Rome, or develop a typical race like the Chinese, was no part of his scheme. He wished to begin a new era. Hoping for a time when the world's ruling interests should cease to be local and should become universal; when questions of boundary and nationality should become insignificant; when armies and navies should be reduced to the work of police, and politics should consist only in non-intervention--he set himself to the task of governing, with this golden age in view. Few men have dared to legislate as though eternal peace were at hand, in a world torn by wars and convulsions and drowned in blood; but this was what Jefferson aspired to do. Even in such dangers, he believed that Americans might safely set an example which the Christian world should be led by interest to respect and at length to imitate. As he conceived a true American policy, was a blunder, an unnecessary risk; and even in case of robbery and aggression, the United States, he believed, had only to stand on the defensive in order to obtain justice in the end. He would not consent to build up a new nationality merely to create more navies and armies, to perpetuate the crimes and follies of Europe; the central Government at Washington should not be permitted to indulge in the miserable ambitions that had made the Old World a hell, and frustrated the hopes of humanity.

---

[2] Henry Adams, History of the United States of America During the First Administration of Thomas Jefferson (Charles Scribner's Sons, New York, 1890), I, 146-7.

SECTION I

THOMAS JEFFERSON

Evaluation of policy-making requires knowledge of the man responsible for that policy. This section provides additional insight into Thomas Jefferson and his philosophy.

A. Thomas Jefferson, The Man

Something of his personality is shown in the following selections.

1. This is Jefferson's recollection of his boyhood:[1]

> Jefferson marvels that as an independent youth he chose to emulate people of "high standing" rather than the people who were of no worth to society. He notes that he chose to develop a reputation as an "honest advocate of my country's rights" rather than that of a jockey, fox hunter or orator.

2. Here he records an incident while a nineteen year-old collgge student:[2]

> Jefferson complains that the Devil must have been with him Christmas night, 1762 as rats ate his pocket book and carried off some personal possessions. Also, it rained that night and water leaked through the roof onto his watch, for which he also blamed the Devil.

3. The historian Richard Hofstadter characterized Jefferson in this paragraph:[3]

> Hofstadter described Jefferson as a person who wished to avoid controversy, power, publicity, criticism and public speeches, though he had strong convictions, Hofstadter concludes, therefore, that Jefferson did not seem to have the qualities necessary for a political leader in a democracy and would have preferred retirement to his farm and family.

---

[1] Bernard Mayo, editor. *Jefferson Himself* (Houghton Mifflin Company, Boston, 1942), 7.

[2] *Ibid.*, 9-10.

[3] Richard Hofstadter, *The American Political Tradition* (Vintage Books, New York, 1947), 26.

4. Another historian describes Jefferson:[4]

> In this selection historian Nathan Schachner describes Jefferson as a complex man whose life seemed to be full of contradictions. Schachner concludes, therefore, that Jefferson defied "easy simplifications."

B. Jefferson's Ideas

Here are some quotations from Thomas Jefferson's speeches and writings which illuminate his political ideas:[5]

1. (1790) Every man, and every body of men on earth, possesses the right of self-government. They receive it with their being from the hand of nature. Individuals exercise it by their single will; collections of men by that of their majority; for the law of the majority is the natural law of every society of men. . . . (p. 609).

2. We hold these truths to be self evident: that all men are created equal; that they are endowed by their Creator with inherent and inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.--Declaration of Independence as Drawn by Jefferson. (p. 384)

---

[4] Nathan Schachner, Thomas Jefferson, A Biography (Appleton-Century-Crofts, Inc., New York, 1951), I, viii.

[5] John P. Foley, ed., The Jeffersonian Cyclopedia (Funk and Wagnalls Company, New York, 1900). All quotations in this section are from Foley, on the pages indicated.

3. (1789) There are rights which it is useless to surrender to the government, and which governments have yet always been found to invade. [Among] these . . . is the right of free commerce. (p. 781)

4. (1782) To remove as much as possible the occasions of making war, it might be better for us to abandon the ocean altogether, that being the element whereon we shall be principally exposed to jostle with other nations; to leave to others to bring what we shall want, and to carry what we can spare. This would make us invulnerable to Europe, by offering none of our property to their prize, and would turn all our citizens to the cultivation of the earth. It might be time enough to seek employment for them at sea, where the land no longer offers it. (p. 916)

5. (1782) Never was so much false arithmetic employed on any subject, as that which has been employed to persuade nations that it is their interest to go to war. Were the money which it has cost to gain, at the close of a long war, a little town, or a little territory, the right to cut wood here, or to catch fish there, expended in improving what they already possess, in making roads, opening rivers, building ports, improving the arts, and finding employment for their idle poor, it would render them much stronger, much wealthier and happier. This I hope will be our wisdom. (p. 917)

6. (1802) The evils which of necessity encompass the life of man are sufficiently numerous. Why should we add to them by voluntarily distressing and destroying one another? Peace, brothers, is better then war. In a long and bloody war, we lost many friends and gain nothing. (p.918)

7. (1822) The cannibals of Europe are going to eating one another again. A war between Russia and Turkey is like the battle of the kite and snake. Whichever destroys the other, leaves a destroyer the less for the world. This pugnacious humor of mankind seems to be the law of his nature, one of the obstacles to too great multiplication provided in the mechanism of the Universe. The cocks of the henyard kill one another up. Bears, bulls, rams, do the same. And the horse, in his wild state, kills all the young males, until worn down with age and war, some vigorous youth kills him, takes to himself the harem of females. I hope we shall prove how much happier for men the Quaker policy is, and that the life of the feeder is better than that of the fighter; and it is some consolation that the desolation by these maniacs of one part of the earth is the means of improving it in other parts. Let the latter be our office, and let us milk the cow, while the Russian holds her by the horns, and the Turk by the tail. [This was written when war between Russia and Turkey was imminent.] (p. 918)

8. (1801) I do not believe war the most certain means of enforcing principles. Those peaceable coercions which are in the power of every nation, if undertaken in concert and in time of peace, are more likely to produce the desired effect. (p. 919)

9. (1785) The justest dispositions possible in ourselves, will not secure us against war. It would be necessary that all other nations were just also. Justice, indeed, on our part, will save us from those wars which would have been produced by a contrary disposition. But how can we prevent those produced by the wrongs of other nations? By putting ourselves in a position to punish them. Weakness provokes insult and injury, while a condition to punish often prevents them. This reasoning leads to the necessity of some naval force; that being the only weapon by which we can reach an enemy. (p. 920)

10. (1798) It is a singular phenomenon, that while our State governments are the very best in the world, without exception or comparison our General Government has, in the rapid course of nine or ten years, become more arbitrary, and has swallowed more of the public liberty than even that of England. (p. 131)

11. (1800) Our country is too large to have all its affairs directed by a single government. Public servants at such a distance, and from under the eye of their constituents, must, from the circumstance of distance, be unable to administer and overlook all the details necessary for the good government of the citizens; and the same circumstance, by rendering detection impossible to their constituents, will invite the public agents to corruption, plunder and waste. (p.132)

12. (1801) Kindly separated by nature and a wide ocean from the exterminating havoc of one quarter of the globe; too high-minded to endure the degradations of the others; possessing a chosen country, with room enough for our descendants to the hundredth and thousandth generation; entertaining a due sense of our equal right to the use of our own faculties, to the acquisitions of our industry, to honor and confidence from our fellow citizens, resulting, not from birth, but from our actions, and their sense of them; enlightened by a benign religion, professed, indeed, and practiced in various forms, yet all of them inculcating honesty, truth, temperance, gratitude, and the love of man; acknowledging and adoring an overruling Providence, which, by all its dispensations proves that it delightsi in the happiness of men here and his greater happiness hereafter,--with all these blessings, what more is necessary to make us a happy and prosperous people? Still one thing more, fellow-citizens--a wise and frugal government, which shall restrain men from injuring one another, which shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor and bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities. (p. 326)

13. (1798) The several States composing the United States of America, are not united on the principle of unlimited submission to their General Government; but--by a compact under the style and title of a Constitution for the United States, and of Amendments thereto, they constituted a General Government for special purposes,--delegated to that government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government; and . . . whensoever the General Government assumes undelegated powers, its acts are unauthoritative, void, and of no force. (p. 327)

14. (1787) I am not a friend to a very energetic government. It is always oppressive. (p. 386)

15. (1787) . . . a little rebellion, now and then, is a good thing, and as necessary in the political world as storms are in the physical. Unsuccessful rebellions, indeed, generally establish the encroachments on the rights of the people, which have produced them. An honest observation of this truth should render honest republican governors so mild in their punishment of rebellions, as not to discourage them too much. It is a medicine necessary for the sound health of government. (p. 386)

16. (1788) We can surely boast of having set the world a beautiful example of a government reformed by reason alone without bloodshed. But the world is too far oppressed to profit by the example. (p. 393)

SECTION II

THE BRINY JUNGLE

In 1793 Great Britain and France went to war. This was a death struggle which was to involve nearly all of Europe and, except for a brief peace in 1802 and 1803, was to continue until the defeat of Napoleon in 1815.

The war in Europe helped the United States in two ways: first, it gave the infant republic an opportunity to establish itself without interference from the predators of Europe who were now busy with their own problems; and second, it offered a tremendous opportunity for commercial growth. While the great belligerants were at each other's throats, little America was growing rich carrying supplies to both sides. In addition to increasing the trade directly from the United States, American merchantmen were employed by the European powers in transporting goods from their own colonial possessions; British and French ships could not do so for fear of being captured by the enemy.

While hiding behind the neutral flag, American merchantmen found themselves facing a complex problem involving international law. In the course of the many European wars over the centuries, some semi-official rules had gradually developed governing the rights of neutrals.

A set of practices called the Consolato del mare had evolved and been generally accepted since the middle ages. This provided that enemy property carried on neutral ships would be subject to seizure, and was still the official position of Britain during the Napoleonic wars.

No matter what the "official" position, international law depends largely on what each country is willing to enforce. Neither Britain nor France wished to incur the disfavor of the United States during the Napoleonic wars, for both needed her merchant ships for their trade. Both, as a result, conceded partially to United States demands.

During the early years of the war Great Britain changed her policy several times. She never, however, went so far as to accept the American contention that belligerent goods carried in a neutral vessel would be protected by that ship's flag.

France was attempting to dominate the coast of Europe and thereby cut off the trade which was the life-blood of Great Britain. The latter nation, enjoying clear naval superiority, sought to blockade the Continent and starve the French into submission. In so doing, the British announced that neutral ships could not carry goods from French colonies to France. The merchantmen of the United States, however, were easily able to thwart this policy. They simply shipped goods from French colonies (principally the West Indies) to the United States to become "Americanized," and then re-exported them to France maintaining that as "American" goods they were not subject to capture.

In 1805 Great Britain won a major naval victory and gained nearly complete control of the seas. She could now effectively keep French ships from importing supplies from her colonies. Thus, the British government was faced with a difficult decision: (1) she could continue the present policy, which meant that the effectiveness of the blockade would be diluted significantly because of the American trade with France; or (2) she could declare that the re-export trade was subject to seizure.

By a court decision in 1805 and again by "orders in council" in 1807, the British chose the second alternative. Citing the precedent of *Consolato del mare* and a policy called the "Rule of 1756" they declared that the re-export trade was now also subject to capture. A crisis of no mean proportion had developed, for this policy would wreck the lucrative American trade which had grown so rapidly since the outbreak of war.

1. The British government's *Black Book of the Admiralty*, thought to have originated about 1450, gives a part of the legal basis for the right of search and seizure as recognized by Britain.[1]

> . . . if any shipp or vessell of the said ffleete hath leave and authority from the admirall to goe from the ffleete about any message or other busines, if they meete with or find any forreigne vessells upon the sea or in the enemies ports then those of our ffleete ought to ask the masters and governors of such forreigne vessells from whence they are and to examine them well about their ladeing and likewise their papers and documents, and if any thing of suspition be found in such vessells that the goods therein doe belong to the enemies, the said vessells with their masters and governors as also the goods in them shal be brought before the admirall, and if it be found there that they are honest merchants and friends without suspition of colour the goods shall be restored againe to them without damage, otherwise they shal be seized with their goods and ransomed as the maritime law doth will and require.

2. Crewmen of ships capturing belligerent goods were entitled to "prize" money -- a portion of the value of the property seized. Although international law was somewhat vague, a rather clearly

---

[1] Anonymous, *The Chronicles and Memorials of Great Britain and Ireland During the Middle Ages* (Published by the Authority of Her Majesty's Treasury, under the direction of The Master of The Rolls, no date), 29.

defined procedure for search and seizure developed.[2]

> [In this selection the steps by which search and seizure were carried out are described.]

3. Value of Exports from United States 1796-1807[3]

> [This document is a line graph which indicates the relationship between the value of domestic goods and the re-exports of foreign goods, and illustrates the value of the latter to Americans.]

4. Great Britain had to maintain naval superiority or face disaster in the titanic struggle with France. Unfortunately, enlistments were usually insufficient to man her navy.[4]

> [This selection describes a law which allowed British naval officers to impress seamen into service and a 1793 law which offered a reward for the discovery of "such seamen who might be hiding."]

5. A novelist who knew the British navy well, Captain F. Marryatt, describes the typical method used to attain a crew for a man-of-war.[5]

> We were reported ready for sea, and the admiralty was anxious that we should proceed. The only obstacle to our sailing was, that we had not yet completed our complement of men. The captain applied to the port admiral, and obtained permission to send parties on shore to impress seamen. The second and third lieutenants, and the oldest midshipmen, were despatched on shore every night, with some of the most trustworthy men, and generally brought on board in the morning about half a dozen men, whom they had picked up in the different alehouses, or grog-shops as the sailors call them. Some of them were retained, but most of them sent on shore as unserviceable; for it is the custom, when a man either enters, or is impressed, to send him down to the surgeon in the cockpit, where he is stripped and examined all over, to see if he be sound and fit for his majesty's service; and if not, he is sent on shore again. Impressing appeared to be rather serious work, as far as I could judge from the accounts which I heard, and from the way in which our sailors, who were employed on the service, were occasionally beaten and wounded; the seamen who were impressed appearing to fight as hard not to be forced into the service, as they did for the honor of the country, after they were fairly embarked in it. I had a great wish to be one of the party before the ship sailed, and asked O Brien, who was very kind to me in general, and

---

[2] Philip C. Jessup and Francis Deak, *Neutrality, Its History, Edonomics and Law* (Columbia University Press, New York, 1935), I: Origins, 164-5.

[3] Anna Cornelia Clauder, *American Commerce as Affected by the Wars of the French Revolution and Napoleon, 1793-1812* (University of Pennsylvania, Philadelphia, 1932), 72.

[4] W. Alison Phillips and Arthur H. Reede, *Neutrality: Its History, Economics and Law* (Columbia University Press, New York, 1936), II: The Napoleonic Period, 19.

[5] Captain F. Marryatt, *The Complete Works of Captain F. Marryatt* (Robert M. DeWitt, New York, no date), I, 18-19.

allowed nobody to thrash me but himself, if he made the request. I put on my dirk, that they might know I was an officer, as well as for my protection. About dusk we rowed on shore, and landed on the Gosport side; the men were all armed with cutlasses, and wore pea jackets, which are very short great coats made of what they call Flushing. We did not stop to look at any of the grog-shops in town, as it was too early, but walked out about three miles in the suburbs, and went to a house the door of which was locked, but we forced it open in a minute, and hastened to enter the passage, where we found the landlady standing to defend the entrance. The passage was long and narrow, and she was a very tall corpulent woman, so that her body nearly filled it up, and in her hands she held a long spit pointed at us, with which she kept us at bay. The officers, who were the foremost, did not like to attack a woman, and she made such drives at them with her spit that had they not retreated, some of them would soon have been ready for roasting. The sailors laughed and stood outside, leaving the officers to settle the business how they could. At last the landlady called out to her husband, "Be they all out, Jem?" "Yes," replied the husband, "they be all safe gone." "Well, then," replied she, "I'll soon have all these gone too," and with these words she made such a rush forward upon us with her spit, that had we not fallen back and tumbled one over another, she certainly would have run it through the second lieutenant, who commanded the party. The passage was cleared in an instant, and as soon as we were all in the street she bolted us out; so there we were, three officers and fifteen armed men, fairly beat off by a fat old woman; the sailors who had been drinking in the house having made their escape to some other place. But I do not well see how it could be otherwise, either we must have killed or wounded the woman, or she would have run us through, she was so resolute. Had her husband been in the passage, he would have been settled in a very short time; but what can you do with a woman who fights like a devil, and yet claims all the rights and immunities of the softer sex? We all walked away looking very foolish. . . .

We then called at other houses, where we picked up one or two men, but most of them escaped by getting out at the windows or the back doors, as we entered the front. . . .

6. Here is a description of the problem of manning the ships of the British navy:[6]

> British sailors who had deserted British ships because of intolerable commanders and living conditions were enticed to man American ships by higher wages, the security of working on neutral ships, and the possibility of acquiring fraudulent certificates of United States citizenship. From the British point of view this necessitated the search of American ships for British sailors, much to the irritation of Americans.

---

[6] W. Alison Phillips and Arthur H. Reede, Neutrality, II, 19.

7. Since American merchantmen were profiting greatly from the war in Europe, they found it desirable to go to some lengths to fill their crews. As a result, there developed an inducement for British sailors to desert their ships in American harbors and to obtain fraudulent certificates of United States citizenship, often for as little as $1.00.[7]

> /This selection describes one fraud perpetrated to provide evidence that a British subject was an American citizen./

8. Here is an example of a certificate of American citizenship:[8]

> /This document is a sworn certificate of New Hampshire birth./

9. An historian discusses the impressment problem:[9]

> /In this selection historian Edward Channing discusses the problem of accurately identifying British sailors since they resembled Americans so much and the certificates of citizenship were not reliable indicators. The British boarding officer thus made subjective judgments and seized those on American ships he thought were British sailors without submitting the matter to the decision of a neutral judge./

10. Impressment into the British navy, at the very best, would probably mean one or two years of waiting aboard ship until it completed its cruise before application for release could be made to a court. The following is a typical account taken from an American newspaper.[10]

> /This document recounts the plight of one young American boy, the sole support of an elderly female relative, who was impressed by the British navy despite the oath of the Master that the boy was a native of Salem. Such action is attacked in this article as an example of "British power and barbarity" splitting up American families./

---

[7] Bernard Mayo, Henry Clay (Houghton Mifflin Company, Boston, 1937), 462.

[8] James Fulton Zimmerman, Impressment of American Seamen (Columbia University, New York, 1925) in Studies in History, Economics and Public Law, CXVIII, 30.

[9] Edward Channing, A History of the United States (The Macmillan Company, New York, 1917), IV, 368-9.

[10] James Fulton Zimmerman, Impressment, 42.

11. An authority on the problem of impressment has made this evaluation:[11]

> The authors of this selection state that the greed for prize money and legal support from the British government motivated British commanders to capture neutral sailors whether British or American. The number of Americans actually impressed was a matter of dispute but the authors conclude that the lack of manpower on both sides was the primary cause of impressment, though this lack was more crucial in the case of the British.

---

[11] W. Alison Phillips and Arthur H. Reede, Neutrality, II, 23-24.

SECTION III

THE MAKING OF POLICY

Relations between Great Britain and the United States had been far from cordial during the European war, due to the controversy concerning neutral trade and impressment. By 1807, a crisis was rapidly approaching.

1. The following is an historian's account of the immediate problem.[1]

> [The problem was related to] a long series of insolent acts which British officers had been committing along our coast. . . . Such indeed was the impudence of the English commanders that the Driver, which . . . had been commanded never again to enter any port or harbor of the United States, sailed boldly into Rebellion Roads and dropped anchor off Fort Johnson. . . . [The captain] was asked to leave port within twenty-four hours, and a hope was expressed that no blood should be spilled. The reply . . . was long and insolent. He . . . intimated that he would sail when ready; asserted his readiness to punish any insult offered to his master's flag; and threatened that, if water was not furnished him, he would take it by force. Nor was he worse than his word. A plentiful supply of water was secured, and the Driver . . . sailed unmolested away.

Aboard the British ship Melampus were three Americans who had been impressed into the British navy.

> In the course of the month of February, 1807, the Melampus happening to be at anchor in Hampton Roads, the officers made use of the opportunity and gave a fine entertainment on board. When the festivity was at its height, when the attention of all was taken up by the toasting and the singing, five of the crew, noticing that the officers' gig was not hoisted in, slipped over the side and rowed for the shore. A shower of bullets followed them; but the beach was reached, and, giving three cheers, the men fled to Norfolk . . . [and soon were] engaged for service on the frigate Chesapeake. A demand for their arrest and return as deserters was made by the English Consul. . . . Not one of the three, the Commodore assured the Secretary, was a subject of King George. . . .

---

[1] John Bach McMaster, A History of the People of the United States (D. Appleton and Company, New York, 1892), III, 253-56.

Meanwhile, several other British crewmen, having escaped from the British ship Halifax, also joined the American navy and were stationed on the Chesapeake. Before sailing, they were seen on the streets of Norfolk "thumbing their noses" at their former officers, who were powerless to recapture them as long as they were in the United States.

> Most of [the] facts--how the men had escaped from the Melampus and the Halifax; how the Consul had made a demand for their return; how the authorities of the United States had refused to return them; how the men from the Halifax had enlisted on board the frigate Chesapeake; how they had been seen parading the streets of Norfolk protected by the American flag, the magistrates of the town, and the recruiting officer--were all duly reported at Halifax to George Cranfield Berkeley, vice-admiral of the white and commander-in-chief of his Majesty's ships and vessels on the North American station. What he heard seems to have filled him with indignation, and, while angry, he sat down and wrote an order which is not likely to be forgotten so long as the history of our country is read. He dated it June first, addressed it to the captains and commanders of his Majesty's ships and vessels on the North American station, bade them watch for the Chesapeake, and, when met without the limits of the United States, stop and search her for deserters. That those from the Melampus had joined the Chesapeake was then unknown to Admiral Berkeley. His order therefore, related to the five men . . . who had escaped from the Halifax.

2. It should be remembered that the Chesapeake was a ship of the United States Navy. The right of impressment of British sailors from American merchant vessels had been generally, though somewhat reluctantly, accepted by the American government, but neither government had ever condoned impressment from a ship of the United States Navy. Following is an excerpt from the classic account of the Chesapeake incident:[2]

> At a quarter-past seven o'clock on the morning of June 22 the "Chesapeake" got under way with a fair breeze. Her ship's company numbered three hundred and seventy-five men and boys, all told, but,

---

[2] Henry Adams, *History of the United States of America During the Second Administration of Thomas Jefferson* (Charles Scribner's Sons, New York, 1890), II, 9-20.

as,was not uncommon in leaving port, much sickness prevailed among the crew, and by the doctor's order the sick seamen were allowed to lie in the sun and air on the upper deck. The gun-deck between the guns was encumbered with lumber of one sort or another; . . . in the magazine the gunner had reported the powder-horns, used in priming the guns, as filled, whereas only five were in fact filled. Otherwise the ship, except for the freshness of her crew, was in fair condition.

At about half-past three o'clock, both ships being eight or ten miles southeast by east of Cape Henry the [British man-of-war] "Leopard" came down before the wind, and rounding to, about half a cable's length to windward, hailed, and said she had despatches for the commodore. [Commodore] Barron [the commander of the Chesapeake] returned the hail and replied, "We will heave to and you can send your boat on board of us." British ships-of-war on distant stations not infrequently sent despatches by the courtesy of American officers, and such a request implied no hostile purpose. . . . The "Leopard's" ports were seen to be triced up; but the season was midsummer, the weather was fine and warm, and the frigate was in sight of her anchorage. Doubtless Barron ought not to have allowed a foreign ship-of-war to come alongside without calling his crew to quarters,--such was the general rule of the service; but the condition of the ship made it inconvenient to clear the guns, and the idea of an attack was so extravagant that, as Barron afterward said, he might as well have expected one when at anchor in Hampton Roads. . . .

Barron went to his cabin to receive the British officer, whose boat came alongside. At a quarter before four o'clock Lieutenant Meade from the "Leopard" arrived on board, and was shown by Captain Gordon to the commodore's cabin. He delivered the following note:--

"The captain of his Britannic Majesty's ship 'Leopard' has the honor to enclose the captain of the United States ship 'Chesapeake' an order from the Honorable Vice-Admiral Berkeley, commander-in-chief of his Majesty's ships on the North American station, respecting some deserters from the ships (therein mentioned) under his command, and supposed to be now serving as part of the crew of the 'Chesapeake'. . . ."

Barron knew that he had on board three deserters from the "Melampus," and that these three men had been the only deserters officially and regularly demanded by the British minister. His first thought was to look for the "Melampus" in the admiral's list; and on seeing that Berkeley had omitted it, Barron inferred that his own assurance would satisfy Captain Humphreys, and that the demand of search, being meant as a mere formality, would not be pressed... . . [He] wrote to Captain Humphreys the following reply:--

"I know of no such men as you describe. The officers that were on the recruiting service for this ship were particularly instructed by the Government, through me, not to enter any deserters from his Britannic Majesty's ships, nor do I know of any being here. I am also instructed never to permit the crew of any ship that I command to be mustered by any other but their own officers. It is my disposition to preserve harmony, and I hope this answer to your despatch will prove satisfactory."

Such an answer to such a demand was little suited to check the energy of a British officer in carrying out his positive orders. If Barron had wished to invite an attack, he could have done nothing more to the purpose than by receiving Berkeley's orders without a movement of self-defence. . . .

[Moments later, Captain Humphreys] hailed and cried: "Commodore Barron, you must be aware of the necessity I am under of complying with the orders of my commander-in-chief."

Hardly more than five minutes passed between the moment when the British officer left Commodore Barron's cabin and the time when Barron was hailed. To get the ship ready for action required fully half an hour. Barron, after giving the order to clear the guns, had come on deck and was standing in the gangway watching the "Leopard" with rapidly increasing anxiety, as he saw that the tompions were out of her guns and that her crew were evidently at quarters. . . . Barron, aware that his only chance was to gain time, remained at the gangway and replied through his trumpet: "I do not hear what you say." Captain Humphreys repeated his hail, and Barron again replied that he did not understand. The "Leopard" immediately fired a shot across the "Chesapeake's" bow; a minute later another shot followed; and in two minutes more, at half-past four o'clock, the "Leopard" poured her whole broadside of solid shot and canister, at the distance of one hundred and fifty or two hundred feet, point-blank into the helpless American frigate. . . .

The guns of the "Chesapeake" were loaded, but could not be discharged for want of lighted matches or heated loggerheads; and even if discharged, they could not be reloaded until ammunition should be handed from the magazine. Time was required both to clear the guns and to fire them; but the "Leopard's" first broadside was thrown just as the crew were beginning to clear the deck. The crew were fresh and untrained. . . . About the magazine the confusion was greatest, for a crowd of men and boys were clamoring for matches, powder-flasks, and loggerheads, while the gunner and his mates were doing their utmost to pass up what was needed. . . . Barron, though naturally much excited, showed both sense and courage. Standing in the open gangway fully exposed to the "Leopard's" guns, he was wounded by the first broadside, but remained either there or on the quarter-deck without noticing his wound, while he repeatedly hailed the "Leopard" in the hope of gaining a moment's time, and sent officer after officer below to hurry the men at the guns. . . .

The British account, which was very exact, said that the "Leopard's" fire lasted fifteen minutes--from 4.30 to 4.45 P.M.,--during which time three full broadsides were discharged without return. . . . The official survey taken the next day, showed twenty-two round-shot in the

"Chesapeake's" hull, ten shot-holes in the sails, all three masts badly injured, the rigging much cut by grape, three men killed, eight severely and ten slightly wounded, including Commodore Barron,--which proved that of the seventy or eighty discharges from the "Leopard's" guns a large proportion took effect.

After enduring this massacre for fifteen minutes, while trying to fire back at least one gun for the honor of the ship, Commodore Barron ordered the flag to be struck. It was hauled down; and as it touched the taffrail one gun was discharged from the gun-deck sending a shot into the "Leopard." This single gun was fired by the third lieutenant, Allen, by means of a live coal which he brought in his fingers from the galley.

The boats of the "Leopard" then came on board, bringing several British officers, who mustered the ship's company. They selected the three Americans who had deserted from the "Melampus," and were therefore not included in Berkeley's order. Twelve or fifteen others were pointed out as English deserters, but these men were not taken. After a search of the ship, Jenkin Ratford[3] was dragged out of the coal-hole; and this discovery alone saved Captain Humphreys the blame of committing an outrage not only lawless but purposeless. At about seven o'clock the British officers left the ship, taking with them the three Americans and Jenkin Ratford. . . .

3. Public reaction to the Chesapeake incident is illustrated by the following excerpt from the National Intelligencer, June 29, 1807:

> If there ever was a nation impelled by a blind fatality to ruin, it is that nation that now lords it upon the ocean. . . . She would really seem as if she were striving by the most aggravated wrongs to add the United States to the list of her open and active enemies. The wound afflicted upon the feelings of our citizens by the recent infamous outrage of Humphreys will not be easily healed; it will rankle; it will strike deep into the minds of our countrymen; it has done more than the deadliest enemies of Britain could have done, to unite. . . the conviction that the British government . . . will give us nothing but hostility. It will operate as a solemn admonition to us to adopt a course of conduct . . . [which will enable us] to take a commanding ground, and teach an unjust government that for one vulnerable point she can reach in our system, we can touch to the quick ten in her's.
>
> The Barbarous exploit of Captain Humphreys has raised a monument to his name whose infamy will give it an eternal duration. He has

---

[3] Jenkin Ratford was one of the five British citizens who had escaped from the Halifax, and would therefore have been legally subject to impressment, had he been aboard an American merchant vessel. Ratford was convicted of desertion from the British navy and hanged.

> heroically triumphed over a ship, whose inferiority not only screened him from danger, but over the insuspicious confidence of friendship, and, what is still more "honorable," over the women and children whom he beheld on her deck!
>
> Will they ddsavow it? Will they make ample, honorable reparation? Is it an act which any reparation can atone?

4. This item appeared in the Virginia Gazette on August 19, 1807 under the headline "Enormities of Great Britain":

> They have been carried to a point from which there is no receding, without cowardice and dishonor, on the one side or other War is believed to be inevitable . . . a few vigorous strokes in our commencement . . . will probably decide the war. . . . To lower her arrogance and to bring her to treat us with justice . . . we have resolved on an effort to raise a corps of volunteers for the war . . .

5. Scores of citizens committees met and passed resolutions. A typical one appeared in the Virginia Argus on August 19, 1807:

> Resolved, that we view with indignation and horror the wanton attack lately made upon the Chesapeake . . . by which many of our citizens have been killed and wounded, and the government of our country grossly insulted.
>
> Resolved, that we have every confidence in the wisdom and firmness of the administration to enforce satisfaction for an outrage so daring and injurious to the honor and dignity of our country, and that we will with our lives and fortunes support the government in all such measures as they may adopt on the momentous occasion, to obtain redress and satisfaction for the outrage aforesaid.
>
> Resolved, that . . . we will regard with abhorrence and detestation all persons who shall countenance this unprevoked and outrageous conduct, by holding any intercourse with, or affording aid to any of his . . . ships of war now on our coast.

6. Following is a statement by Captain Douglas of the British navy.[4]

> You must be perfectly aware, that the British flag never has been, nor will be, insulted with impunity. You must also be aware that it has been, and still is, in my power to obstruct the whole trade of the Chesapeake [Bay]. . . .

---

[4] Henry Adams, Second Administration, IV, 28.

7. The ultimate responsibility for public policy rests with the President of the United States. An angry but united America turned to President Jefferson for leadership in the crisis--a crisis which they knew could lead to a war with the greatest sea power in the history of the world.

Shortly after news of the Chesapeake reached Washington, the President issued this proclamation.[5]

> A frigate of the United States, trusting to a state of peace, and leaving her harbor on a distant service, has been surprised and attacked by a British vessel of superior force--one of a squadron then lying in our waters . . . and has been disabled from service, with the loss of a number of men killed and wounded. This enormity was not only without provocation or justifiable cause, but was committed with the avowed purpose of taking by force from a ship of war of the United States a part of her crew; and that no circumstance might be wanting to mark its character, it had been previously ascertained that the seamen demanded were native citizens of the United States. Having effected her purpose she returned to anchor with her squadron within our jurisdiction. Hospitality under such circumstances ceases to be a duty, and a continuance of it with such uncontrolled abuses would tend only, by multiplying injuries and irritations, to bring on a rupture between the two nations. . . .
>
> In consideration of these circumstances and of the right of every nation to regulate its own police, to provide for its peace and for the safety of its citizens . . . I have thought proper in pursuance of the authorities specially given by law, to issue this my proclamation, hereby requiring all armed vessels bearing commissions under the Government of Great Britain now within the harbors or waters of the United States immediately and without any delay to depart from the same, and interdicting the entrance of all the said harbors and waters to the said armed vessels and to all others bearing commissions under the authority of the British Government.
>
> And if the said vessels, or any of them, shall fail to depart as aforesaid, or if they or any others so interdicted shall hereafter enter the harbors or waters aforesaid, I do in that case forbid all intercourse with them, or any of them, their officers or crews, and do prohibit all supplies and aid from being furnished to them, or any of them.

---

[5] James D. Richardson, ed., A Compilation of the Messages and Papers of the Presidents, 1789-1907 (Bureau of National Literature and Art, 1908), I, 422-3.

8. Jefferson also sent this message to each member of his cabinet:[6]

> Dear Sir,--I am sorry to be obliged to hasten your return to this place, and pray that it may be without a moment's avoidable delay. The capture of the Chesapeake by a British ship of war renders it necessary to have all our Council together. The mail is closing. Affectionate salutations.

9. Thomas Jefferson to Governor William H. Cabell of Virginia, June 29, 1807:[7]

> Whether the outrage is a proper cause of war, belonging exclusively to Congress, it is our duty not to commit them by doing anything which would be to be retracted. We may, however, exercise the powers entrusted to us for preventing future insults within our harbors, and claim firmly satisfaction for the past. This will leave Congress free to decide whether war is the most efficacious mode of redress in our case, or whether, having taught so many other useful lessons to Europe, we may not add that of showing them that there are peaceable means of repressing injustice, by making it the interest of the aggressor to do what is just, and abstain from future wrong. It is probable you will hear from us in the course of the week.

10. Jefferson to Madam Stael, July 16, 1807:[8]

> Unmeddling with the affairs of other nations, we presume not to prescribe or censure their course. Happy, could we be permitted to pursue our own in peace, and to employ all our means in improving the condition of our citizens. Whether this will be permitted, is more doubtful now than at any preceding time. We have borne patiently a great deal of wrong, on the consideration that if nations go to war for every degree of injury, there would never be peace on earth. But when patience has begotten false estimates of its motives, when wrongs are pressed because it is believed they will be borne, resistance becomes morality.

11. Jefferson to General John Armstrong, July 17, 1807:[9]

> An outrage not to be borne has obliged us to fly to arms, and has produced such a state of exasperation, and that so unanimous, as never

---

[6] Andrew A. Lipscomb, ed., The Writings of Thomas Jefferson (The Thomas Jefferson Memorial Association of the United States, Washington, D. C., 1903), XI, 255.

[7] *Ibid.*, 256.

[8] *Ibid.*, 282.

[9] *Ibid.*, 283-4.

has been seen in this country since the battle of Lexington. We have between two and three thousand men on the shores of the Chesapeake, patrolling them for the protection of the country, and for preventing supplies of any kind being furnished to the British; and the moment our gunboats are ready we shall endeavor by force to expel them from our waters. We now send a vessel to call upon the British government for reparation for the past outrage, and security for the future, nor will anything be deemed security but a renunciation of the practice of taking persons out of our vessels, under the pretence of their being English. Congress will be called some time in October, by which time we may have an answer from England. In the meantime we are preparing for a state of things which will take that course, which either the pride or the justice of England shall give it.

12. Jefferson to John Page, July 17, 1807:[10]

I am much pleased with the ardor displayed by our countrymen on the late British outrage. It gives us the more confidence of support in the demand of reparation for the past, and security for the future, that is to say, an end of impressments. If motives of either justice or interest should produce this from Great Britain, it will save a war; but if they are refused, we shall have gained time for getting in our ships and property, and at least twenty thousand seamen now afloat on the ocean, and who may man two hundred and fifty privateers. The loss of these to us would be worth to Great Britain many victories. . . . The meantime may also be importantly employed in preparations to enable us to give quick and deep blows.

13. Jefferson to William Duane, July 20, 1807:[11]

The course we have pursued, has gained for our merchants a precious interval to call in their property and our seamen, and the postponing the summons of Congress will aid in avoiding to give too quick an alarm to the adversary. They will be called, however, in good time. Although we demand of England what is merely of right, reparation for the past, security for the future, yet as their pride will possibly, nay probably, prevent their yielding them to the extent we shall require, my opinion is, that the public mind, which I believe is made up for war, should maintain itself at that point. They have often enough, God knows, given us cause of war before; but it has been on points which would not have united the nation. But now they have touched a chord which vibrates in every heart. Now then is the time to settle the old and the new.

---

[10] Ibid., 287.

[11] Ibid., 291.

14. On July 30, this message went from the President to the members of Congress:[12]

By The President of The United States of America

A PROCLAMATION

Whereas great and weighty matters claiming the consideration of the Congress of the United States form an extraordinary occasion for convening them, I do by these presents appoint Monday, the 26th day of October next, for their meeting at the city of Washington, hereby requiring the respective Senators and Representatives then and there to assemble in Congress, in order to receive such communications as may then be made to them, and to consult and determine on such measures as in their wisdom may be deemed meet for the welfare of the United States.

In testimony whereof I have caused the seal of the United States to be hereunto affixed, and signed the same with my hand.

[Seal.] Done at the city of Washington, the 30th day of July, A.D. 1807, and in the thirty-second year of the Independence of the United States.

TH: JEFFERSON.

15. Jefferson to General Samuel Smith, June 30, 1807:[13]

We thought it better not to convene Congress till the 26th of October. Within a fortnight after that we may expect our vessel with the answer of England. Until that arrives there would be no ground sufficiently certain for Congress to act on. In the meanwhile we are making every preparation which could be made were they in session.

16. Jefferson to Colonel John Taylor, August 1, 1807:[14]

Should we have war with England, regular troops will be necessary; and though in the first moments of the outrage on the Chesapeake I did not suppose it was by authority from their government, I now more and more suspect it, and of course, that they will not give the reparation for the past and security for the future, which alone may prevent war. The new depredations committing on us, with this attack on the Chesapeake . . . prove they have cooly calculated it will be to their benefit to have everything on the ocean fair prize, and to support their navy by plundering all mankind. This is the doctrine of "war in disguise," and I expect they are going to adopt it. It is really mortifying that we should be forced to wish success to Bonaparte, and to look to his victories as our salvation. We expect the return of the Revenge the second week in November, with their answer, or no answer, which will enable Congress to take their course. In the meantime, we will have everything as ready as possible for any course they may prefer. I salute you with friendship and respect.

---

[12] _Ibid._, 424.

[13] _Ibid._, 301.

[14] _Ibid._, 304-5.

17. Jefferson to Secretary of State James Madison, August 20, 1807:[15]

1. The interdicted ships are enemies. Should they be forced by stress of weather to run up into safer harbors, we are to act towards them as we would towards enemies in regular war, in like case. Permit no intercourse, no supplies; and if they land, kill or capture them as enemies. If they lie still, Decatur has orders not to attack them without stating the case to me, and awaiting instructions. But if they attempt to enter Elizabeth river, he is to attack them without waiting for instructions. 2. Other armed vessels, putting in from sea in distress, are friends.

18. Jefferson to Thomas Paine, October 9, 1807:[16]

We have as yet no knowledge of the arrival of the Revenge in England, but we may daily expect to hear of it; and as we expected she would be detained there and in France about a month, it will be a month hence before we can expect her back here. In the meantime, all the little circumstances coming to our knowledge are unfavorable to our wishes for peace. If they would but settle the question of impressment . . . I should be well contented to drop all attempts at a treaty.

19. Jefferson to Governor William H. Cabell of Virginia, November 1, 1807:[17]

Within about a fortnight we think we may expect answers from England which will decide whether this cloud is to issue in a storm or calm. Here we are pacifically inclined, if anything comes which will permit us to follow our inclinations. But whether we have peace or war, I think the present Legislature will authorize a complete system of defensive works, on such a scale as they think they ought to adopt. The state of our finances now permits this.

---

[15] Ibid., 340.

[16] Ibid., 378.

[17] Ibid., 389.

20. Jefferson to James Maury, November 21, 1807:[18]

> The world, as you justly observe, is truly in an awful state. Two nations of overgrown power are endeavoring to establish, the one an universal dominion by sea, the other by land. We naturally fear that which comes into immediate contact with us, leaving remoter dangers to the chapter of accidents. We are now in hourly expectation of hearing from our ministers in London, by the return of the Revenge. Whether she will bring us war or peace, or the middle state of non-intercourse, seems suspended in equal balance. With every wish for peace, permitted by the circumstances forced upon us, we look to war as equally probable.

21. Early in December, 1807, the long-awaited word came from James Monroe, Jefferson's Minister in Great Britain. Jefferson had demanded, as reparation for the Chesapeake incident, a favorable and complete settlement of the impressment problem. The British government did disavow the attack on the Chesapeake, but at the same time the King issued this proclamation:[19]

> Whereas it hath been represented unto us, that great numbers of mariners and seafaring men, our natural born subjects, have been enticed to enter into the service of foreign states, and are now actually serving, as well on board the ships of war belonging to the said foreign states, as on board the merchant vessels belonging to their subjects . . . we have therefore thought it necessary, at the present moment, when our kingdom is menaced and endangered, . . . to publish . . . this our Royal Proclamation: We do hereby strictly charge and command all masters of ships, pilots, mariners, shipwrights, and other seafaring men, being our natural born subjects, who may have been enticed into the pay or service of any foreign state, or do serve in any foreign ship or vessel, that forthwith they . . . quit such foreign service. . . .
>
> And in case of their receiving information of any such person or persons being employed or serving on board of any ship of war belonging to such foreign state at amity with us, we do authorize and command our captains, masters, and others, commanding our ships of war, to require of the captain or commander of such foreign ship of war, that he do

---

[18] Ibid., 397.

[19] Walter Lowrie and Matthew St. Clair Clarke, eds., American State Papers, Class I., Foreign Relations, III, 25-6.

forthwith release and discharge such person or persons . . .

> And whereas it has been further represented unto us, that divers mariners and seafaring men, our natural born subjects, have been induced to accept letters of naturalization, or certificates of citizenship, from foreign states; and have been taught to believe that, by such letters or certificates, they are discharged from that duty of allegiance which, as our natural born subjects, they owe to us; now we do hereby warn . . . that no such letters of naturalization, or certificates of citizenship . . . in any degree alter the duty which they owe to us their lawful sovereign. . . .
>
> Given at our Court at the Queen's Palace, the sixteenth day of October, one thousand eight hundred and seven, and in the forty-seventh year of our reign.
>
> GOD SAVE THE KING.

22. At about the same time a special envoy was sent by the British government attempting to persuade Jefferson to lay aside his proclamation prohibiting British ships from the harbors of the United States. Word was also received that, in an attempt to apply greater pressure on France, the British government had passed an order-in-council on November 11, 1807, prohibiting trade with ports from which the British flag was excluded unless such a vessel first called at a British port, paid duties on her cargo and secured a fresh clearance. By this order, neutral commerce with Europe would pay a toll to the British treasury for a license to trade with Britain's enemy. Jefferson wrote as follows to John Mason sometime in December, 1807:[20]

> The sum of these mutual enterprises on our national rights is that France, and her allies, reserving for further consideration the prohibiting our carrying anything to the British territories, have virtually done it, by restraining our bringing a return cargo from them; and Great Britain, after prohibiting a great proportion of our commerce with France and her allies, is now believed to have prohibited the whole. The whole world is thus laid under interdict by these two nations, and our vessels, their cargoes and crews, are to be taken by the one or the other, for whatever place they may be destined, out of our own limits. If, therefore, on leaving our harbors we are certainly to lose

---

[20] The Writings of Jefferson, 402.

them, is it not better, as to vessels, cargoes, and seamen, to keep them at home? This is submitted to the wisdom of Congress, who alone are competent to provide a remedy.

23. Jefferson sent this communication to Congress on December 18, 1807:[21]

To the Senate and House of Representatives of the United States:

The communications now made, shewing the great and increasing dangers with which our vessels, our seamen, and merchandise are threatened on the high seas and elsewhere from the belligerent powers of Europe, and it being of the greatest importance to keep in safety these essential resources, I deem it my duty to recommend the subject to the consideration of Congress, who will doubtless perceive all the advantages which may be expected from an inhibition of the departure of our vessels from the ports of the United States.

Their wisdom will also see the necessity of making every preparation for whatever events may grow out of the present crisis.

TH: JEFFERSON

24. After a brief debate the Senate passed the bill recommended by Jefferson by a vote of 22 to 7. The House of Representatives voted down several amendments which would set a time limit on the embargo and passed the measure 82 to 44. President Jefferson signed it into law on December 22:[22]

An Act laying an embargo on all ships and vessels in the ports and harbors of the United States.

Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled, That an embargo be and hereby is laid on all ships and vessels in the ports and places within the limits or jurisdiction of the United States, cleared or not cleared, bound to any foreign port or place; and that no clearance be furnished to any ship or vessel bound to such foreign port or place, except vessels under the immediate direction of the President of the United States; and that the President be authorized to give such instructions to the officers of the revenue, and of the navy and revenue cutters of the United States, as shall appear best adapted for carrying the same into full effect: Provided, That nothing herein contained shall be construed to prevent the departure of any foreign ship or vessel either in ballast, or with the goods, wares, and merchandise, on board of such foreign ship or vessel, when notified of this act.

---

[21] *Messages and Papers*, I, 422-3

[22] *Annals of The Congress of the United States*, Tenth Congress, First Session, I, 1222. On January 9 and March 12, 1808, Congress passed supplementary embargo acts, designed to cover some of the omissions in the original, but only the act of December 22, 1807, is given here.

Sec. 2. And be it further enacted, That during the continuance of this act, no registered or sea-letter vessel, having on board goods, wares, and merchandise, shall be allowed to depart from one port of the United States to another within the same, unless the master, owner, consignee, or factor of such vessel shall first give bond with one or more sureties to the collector of the district from which she is bound to depart, in a sum of double the value of the vessel and cargo; that the said goods, wares, and merchandise, shall be relanded in some port of the United States, dangers of the seas excepted; which bond, and also a certificate from the collector where the same may be relanded, shall, by the collectors respectively, be transmitted to the Secretary of the Treasury. All armed vessels possessing public commissions from any foreign Power are not to be considered as liable to the embargo laid by this act.

SECTION IV

LIVING WITH THE POLICY

This section indicates the nature of public reaction to the embargo and the problems encountered in attempting to enforce the measure.

A. Public Reaction

1. From the Republican Spy of Northampton, Massachusetts:[1]

   [This selection lists the advantages of the embargo.]

2. The Republican Spy of July 20, 1808 commented:[2]

   [This selection compares and contrasts the advantages and disadvantages of the embargo with the alternative of war.]

3. On the other hand from the Boston Gazette of March 18, 1808:

> AROUSE -- AWAKE!
>
> How long are the Inhabitants of Massachusetts to remain in their present quiescent state? Why do not the citizens assemble and express their sentiments upon the measures of the Government in a firm, dignified and constitutional manner?
>
> An Embargo Upon Our Coasting Trade!! No vessel above Twenty Tons to go from Port to Port!!!!
>
> Forbid it, ye Citizens of the extensive Sea Coast of Massachusetts; arouse, arouse from your lethargy, assemble in your different towns, and convey your Will to your Servants in Congress.

4. Another newspaper appeal appeared in the Boston Gazette on April 11,1808:

> Farmers, Merchants, Mechanicks, Seamen, Widows, Orphans. What has hitherto supported our political family?
>
> Commerce!
>
> What has afforded the means of reducing our National Debt, and paying the Interest on our Loans?
>
> Commerce!
>
> What has given Wealth and Consequence to the United States, but
>
> Commerce!
>
> When this living spring, this redundant source of public prosperity and private happiness is wantonly cut off -- When the Farmer can no longer sell his produce -- When the merchant is compelled to abandon his traffic -- When the Seaman is driven from the face of the Ocean, and the Mechanic is deprived of his accustomed occupation--

---

[1] Walter Wilson Jennings, "The American Embargo, 1807-1809," University of Iowa Studies in the Social Studies (University of Iowa, Iowa City, 1929), VIII, 42.

[2] Ibid., 43.

What will be the substitute, but

> Taxes!
> Poverty!
> Imprisonment!
> Civil Discord!
> Ruin!

5. Note the oblique reference to Napoleon in the following article from the Boston Repertory of June 3, 1808:

> From Maine to Orleans, the merchant, the farmer, the mechanick and the laborer, are suffering the pressure of want, that some few high in office may preserve the friendship of their transatlantic master.

6. The description of an Independence Day "Celebration" appeared in the Hampshire Gazette on July 27, 1808:[3]

> Independence Day, was celebrated in this city, by the federalists of the county in a manner evincive of their determination to preserve the invaluable prize which had nearly been yielded up at the shrine of French ambition. .... A merchant ship in minature, was borne at the head of the procession . . . by four ships' mates (thrown out of employ by the Embargo). . . . As a token of the ruined state of our commerce, the ship was dressed in mourning, her flags at half mast . . . and her distress signal labelled "Embargo". . . . This pointed and cutting sarcasm . . . excited all the ire of our embargo-loving democrats. They swore in their wrath that she should never proceed through the streets; and many of them declared they would demolish her at the hazard of their lives. But when they saw her approach, . . . protected by the brave and hardy, though injured sons of Neptune, they shrank from their foolish threats, and remained mute and harmless spectators of the scene. . . .
>
> Our Administration--It has thrown away the olive branch--why does it tremble at the sight of the sword?

7. According to the Boston Repertory of July 15, 1808, one verse of a song written by a man named Henry Mellon and sung as a part of a Fourth of July program went as follows:

---

[3] From the Hudson Balance, July 11, 1808.

"The Embargo"

Our ships all in motion,
Once whiten'd the ocean;
They sail'd and return'd with a Cargo;
Now doom'd to decay
They are fallen a prey,
To Jefferson, worms and EMBARGO.

8. THE EMBARGO - A New Song -- Tune "Yankee Doodle"[4]

Attention pay, ye bonny lads,
and listen to my Far'go,
About a nation deuced thing,
Which people call Embargo,
Yankee doodle, keep it up,
Yankee Doodle dandy
We'll soak our hides in home made Rum,
If we can't get French Brandy.

In Boston town, the other day,
The people all were blust'ring,
And Sailors too, as thick as hail,
Away to sea were must'ring,
Yankee Doodle, keep it up, &c.

I ax'd the reason of the stir,
And why they made such pother,
But deuce a word they answer'd me,
Or Jonathan my brother.
Yankee Doodle, keep it up, &c.

At last a man with powder'd head,
Come up and said to me Sir,
Why stand you gaping here, you rogue,
Come list and go to sea Sir,
Yankee Doodle keep it up, &c.

I've got a vessel at the wharf,
Well loaded with a cargo,
And want a few more hands to help,
To clear the Curs'd Embargo,
Yankee Doodle keep it up, &c.

Then Jonathan and I went down,
To look around the wharf Sir,
And there we see a hundred men,
Shoving a big boat off Sir,
Yankee Doodle keep it up, &c.

---

[4] Anonymous, "The Embargo," printed in Massachusetts Historical Society Broadsides, American Antiquarian Society, Worcester, Massachusetts.

Then Jonathan a fellow ax'd
How men in that thing dare go,
The fellow said, "Why d--n your eyes,
You lubber that's the EMBARGO."
Yankee Doodle keep it up, &c.

Now Jonathan, says I, when we
Get home and tell to Nancy,
And Sall, and Poll, and Jack and Joe,
They'll say it was our Fancy.
Yankee Doodle keep it up, &c.

But I can vow 'tis all as true,
As two and two make four, Sir,
And if you don't believe it now,
I'll tell a great deal more Sir,
Yankee Doodle keep it up, &c.

Now let us caper, dance and sing,
And drink and merry be Sir,
Because as sure as death and rates,
The EMBARGO'S gone to sea, Sir.
Yankee Doodle, keep it up,
Yankee Doodle dandy,
We'll soak our skins in good new Rum,
Or Peach and Apple Brandy.

9. An article appearing in the Boston Repertory of July 13, 1808 entitled "The Fruits of the Embargo" pointed up an ironic result of the Embargo Act:

> A schooner sailed from this port on Sunday last, bound to Halifax, laden with fruits of the embargo--viz--a considerable number of Seamen thrown out of employ. There is scarcely a vessel which sails from the United States, for the British territories, which does not carry off a great number of seamen. . . . The British calculate (with propriety) that the American Embargo will restore to their navy more than ten thousand English, Irish, and Scotch Sailors, lately employed in America, --and there is no doubt that as many Americans will desert their country for employment. . . .

10. Jefferson to Benjamin Rush, January 3, 1808:[5]

> The embargo is salutary. It postpones war, gives time and the benefits of events which that may produce; particularly that of peace in Europe, which will postpone the causes of difference to the next war.

---

[5] The Writings of Jefferson, XI, 402.

11. Jefferson to Governor James Sullivan of Massachusetts, March 3, 1808:[6]

> It is a circumstance of great satisfaction that the proceedings of the government are approved by the respectable Legislature of Massachusetts, and especially the late important measure of the embargo. The hearty concurrence of the States in that measure, will have a great effect in Europe. I derive great personal consolation from the assurances in your friendly letter, that the electors of Massachusetts would still have viewed me with favor as a candidate for a third presidential term. But the duty of retirement is so strongly impressed on my mind, that it is impossible for me to think of that. If I can carry into retirement the good will of my fellow-citizens, nothing else will be wanting to my happiness.

12. Jefferson to Secretary of State James Madison, March 11, 1808:[7]

> I take it to be an universal opinion that war will become preferable to a continuance of the embargo after a certain time. Should we not then avail ourselves of the intervening period to procure a retraction of the obnoxious decrees peaceably, if possible? . . .
>
> I wish to consider, therefore, the following course of proceeding, to wit:
>
> To instruct our ministers at Paris and London, by the next packet, to propose immediately to both those powers a declaration on both sides that these decrees and orders shall no longer be extended to vessels of the United States, in which case we shall remain faithfully neutral; but, without assuming the air of menace, to let them both perceive that if they do not withdraw these orders and decrees, there will arrive a time when our interests will render war preferable to a continuance of the embargo; that when that time arrives, if one has withdrawn and the other not, we must declare war against that other; if neither shall have withdrawn, we must take our choice of enemies between them. This it will certainly be our duty to have ascertained by the time Congress shall meet in the fall or beginning of winter; so that taking off the embargo, they may decide whether war must be declared, and against whom.

13. Jefferson to Mr. Leiper, May 25, 1808:[8]

> Whether the pressure on the throne from the suffering people of England, and of their Islands, the conviction of the dishonorable as well as dishonest character of their orders of council, the strength of

---

[6] Ibid., XII, 2-3.

[7] Ibid., 11-12.

[8] Ibid., 65-66.

their parliamentary opposition, and remarkable weakness of the defence of their ministry, will produce a repeal of these orders and cessation of our embargo, is yet to be seen. To nobody will a repeal be so welcome as to myself. Give us peace till our revenues are liberated from debt, and then, if war be necessary, it can be carried on without a new tax or loan, and during peace we may chequer our whole country with canals, roads, etc. This is the object to which all our endeavors should be directed.

14. From the Boston Gazette, May 5, 1808:

> Last night, a man, by the name of James Clark, was beat down with a club . . . and killed, by the Jefferson and Embargo mob.

15. From the Virginia Argus, December 13, 1808:

> Dean, the person who was convicted of firing on the soldiers who were executing the Embargo laws in Vermont, has suffered the sentence of the law. He appeared perfectly composed and hardened, denied his crime; kicked his hat into his grave, spit upon his coffin; and pulled the cap over his eyes himself. No person prayed with him at the gallows.

16. On January 18, 1809 the New York Herald reported that a sloop of war, The Wasp, had captured the schooner, Liberty, engaged in smuggling:

> . . . on Monday night, a party of about 40 "Indians" headed by "Blue, or Red Jacket" boarded the Liberty, put the Wasps Officer and crew on shore, and then took the Liberty to put to sea. These "Indians" are said to be the descendants of the "aborigines" who destroyed the tea in 1774.

17. From the Boston Repertory, June 3, 1808:

> . . . the officers of the law are, even from motives of personal safety, obliged to wink at such evasion. . . . The green mountain boy, we are told, . . . smacks his whip in the face of the collector without fear of let, molestation or remonstrance.

18. This article in the Massachusetts Spy or Worcester Gazette of April 13, 1808 was headlined:

A PIG CASE

Under the supplemental embargo law, humbly
submitted to his honor the President of the
United States.

> This fag-end of the embargo, goes to prohibit the farmers of Vermont and New Hampshire from driving their swine into Canada for sale. Now suppose a man should drive a herd of hogs close up to the line of the United States, but not over, and a Canadian should accidentally make his appearance just within the boundary of that British colony with a basket of corn in his hand, and should cry Pig--Pig--Pig--and the whole drove should run over the line into Canada and voluntarily place themselves under the government of the tyrant of the ocean. Would it or would it not be a breach of the Embargo law; and if so, who should be punished, the farmer who drove his hogs so near the despotism, the swine who, regardless of the blessing of a free country, thus ran over the line; or the Canadian who tempted them to this anti-republican act!
>
> Ethan Allen

19. Jefferson to Secretary of the Treasury Albert Gallatin on February 14, 1808:[9]

> I have written to Mr. Smith, proposing to order a couple of gunboats from New York into the Delaware, and two from Norfolk to the head of the bay. I hope the passage of naval stores into Canada will be prevented.

20. Many violations were directly connected to the "coasting trade," whereby provisions were distributed from one part of the United States to another in an attempt to lighten the burden on the needy areas. The governors were given permits to import from other states certain necessary foodstuffs some of which never arrived at its destination, being smuggled instead to Canada. Jefferson wrote this to the governor:[10]

> Sir,--The numerous and bold evasions of the several embargo laws threatened altogether to defeat the great and interesting objects for which they were adopted, and principally under cover of the coasting trade. Congress, therefore, finding insufficient all attempts to bind unprincipled adventurers by general rules, at length gave a discretionary power to detain absolutely all vessels suspected of intentions to evade the embargo laws, wheresoever bound. In order to give to this

---

[9] Ibid., XI, 440.

[10] Henry Adams, The Writings of Albert Gallatin (J. B. Lippincott & Co., Philadelphia, 1879), I, 389.

> law the effect it intended, we find it necessary to consider every vessel as suspicious which has on board any articles of domestic produce in demand at foreign markets, and most especially provisions. . . .

21. Here is an example from the Boston Gazette of May 19, 1808 of the reaction to these new restrictions.

> Yesterday a small Lynn coaster, laden with flour, was denied clearance at the custom-house. . . . The master, we are told, made application to the Governor, for permission to proceed but was denied. . . . The flour is now unloading, and must be transported to our democratic neighbors by land. . . .
>
> The people of Lynn are not to eat bread, because an officer has a suspicion on which suspicion he is bound to act; and this is the law of a republic? Bonaparte himself dare not make the selling of sallad in Paris depend on such a tryannical decree. . . . The merchant is to be ruined and a nation starved--for what? The suspicion of a collector.

22. "THE FULL TIDE OF EXPERIMENT" appeared in the Connecticut Courant of June 1, 1808:

> Mr. Jefferson seems determined to ascertain the quantity of imposition which the people will bear. The prohibition of the coasting trade is an assumption of tryannical power almost equal to the Decrees of Bonaparte.--The eastern states cannot subsist without supplies of Indian corn and flour from the middle and southern states. Mr. Jefferson has made Governor Sullivan the judge of the quantity of bread the good people of Massachusetts may eat, and of the prices at which they shall buy that quantity; nay more, he is to point out the member of the Legion of Honor who is to have exclusive profits on the importation of bread. Was ever such bare faced tyranny attempted in America before? Will independent Yankees submit to such an imposition?

23. A key problem creating some division in the administration was the extent to which enforcement and licensing should be left to the states. This letter is from Secretary Gallatin to Jefferson, May 23, 1808:[11]

> . . . I have been induced to believe that the system of licenses by the governors was unnecessary; and permit me to add that it will, I think, be less efficient than our own regulations. . . . The best mode certainly would have been, if recourse must be had to the governors, merely to call on them for information.

---

[11] *Ibid.*, 391.

24. Jefferson to Gallatin, May 27, 1808:[12]

With respect to the coasting trade, my wish is only to carry into full effect the intentions of the embargo laws. I do not wish a single citizen in any of the States to be deprived of a meal of bread, but I set down the exercise of commerce, merely for profit, as nothing when it carries with it the danger of defeating the objects of the embargo. I have more faith, too, in the Governors. I cannot think that any one of them would wink at abuses of that law. . . . Our course should be to sacrifice everything to secure the effect of the law, and nothing beyond that.

25. Gallatin to Jefferson, September 2, 1808:[13]

The opposition continues in Massachusetts, and is encouraged by the petitions to repeal the embargo. I receive and answer daily letters on that subject . . . I fear that there has been a laxity on the part of the district attorney, Mr. Blake. He is often absent, has answered none of my letters, and I have been obliged to authorize the collectors, in several instances, to employ other counsel.

26. Jefferson to Governor Daniel P. Tompkins of New York, August 15, 1808:[14]

The case of opposition to the embargo laws on the Canadian line, I take to be that of distinct combinations of a number of individuals to oppose by force and arms the execution of those laws, for which purpose they go armed, fire upon the public guards, in one instance at least have wounded one dangerously, and rescue property held under these laws. This may not be an insurrection in the popular sense of the word, but being arrayed in war-like manner, actually committing acts of war, and persevering systematically in defiance of the public authority, brings it . . . fully within the legal definition of an insurrection. . . . But as by the laws of New York an insurrection can be acted on without a previous proclamation, I should conceive it perfectly correct to act on it as such, and I cannot doubt it would be approved by every good citizen. Should you think proper to do so, I will undertake that the necessary detachments of militia called out in support of the laws, shall be considered as in the service of the United States, and at their

---

[12] The Writings of Jefferson, XII, 66-7.

[13] Henry Adams, Albert Gallatin, I, 414.

[14] The Writings of Jefferson, XII, 131-133.

> expense. . . . I will refer to your discretion the measures to be taken, and the numbers to be called out at different places, only saying, as duty requires me to fix some limit, that the whole must not exceed five hundred men without further consulting me. . . . I think it so important in example to crush these audacious proceedings, and to make the offenders feel the consequences of individuals daring to oppose a law by force, that no effort should be spared to compass this object.

16. A letter from Jefferson to Dr. Thomas Leib, dated June 23, 1808:[15]

> The . . . federalists, those who are so in principle as well as in name, disapprove of the republican principles and features of our Constitution, and would, I believe, welcome any public calamity (war with England excepted) which might lessen the confidence of our country in those principles and forms. I have generally considered them rather as subjects for a madhouse. But they are now playing a game of the most mischievous tendency, without perhaps being themselves aware of it. They are endeavoring to convince England that we suffer more by the embargo than they do, and if they will but hold our awhile, we must abandon it. It is true, the time will come when we must abandon it. But if this is before the repeal of the orders of council, we must abandon it only for a state of war. The day is not distant, when that will be preferable to a longer continuance of the embargo. But we can never remove that, and let our vessels go out and be taken under these orders, without making reprisal. Yet this is the very state of things which these federal monarchists are endeavoring to bring about; and in this it is but too possible they may succeed. But the fact is, that if we have war with England, it will be solely produced by their manoeuvres.

28. The following excerpts are taken from a British newspaper, the Independent Whig of October 16, 1808:[16]

> The American people suffer so much from the Embargo that they speak to their Government for its revocation in a language which must be heard. The opposition to the measures of the President ceases to be the clamor of a party; it has become the voice of the nation, and is every day more strongly and more decidedly expressed. . . .
>
> In America, the operation of the embargo seems to be severely deprecated by almost all descriptions of people, and the numerous petitions for its revocation, which are assailing the President from every commercial town in the States, will probably lead to its removal, or to more serious consequences. . . .

29. President Jefferson admitted privately in April that the previous session of Congress "has worn me down to a state of almost total

---

[15] Ibid., 77.

[16] Walter Wilson Jennings, "The American Embargo," 135.

incapacity for business."[17] On August 11, he wrote to Secretary Gallatin:[18]

> This embargo law is certainly the most embarrassing one we have ever had to execute. I did not expect a crop of so sudden and rank growth of fraud and open opposition by force could have grown up in the United States. I am satisfied with you that if orders and decrees are not repealed, and a continuance of the embargo is preferred to war, (which sentiment is universal here) Congress must legalize all means which may be necessary to obtain its end. . . . I am clearly of opinion this law ought to be enforced at any expense, which may not exceed our appropriation.

30. An interesting phase of Jefferson's thinking is revealed in this letter to Secretary of War Henry Dearborn, August 12, 1808.[19]

> Should England make up with us, while Bonaparte continues at war with Spain, a moment may occur when we may without danger of commitment with either France or England seize to our own limits of Louisiana as of right, and the residue of the Floridas as reprisal for spoilations. It is our duty to have an eye to this in rendezvousing and stationing our new recruits and our armed vessels, so as to be ready if Congress authorizes it, to strike in a moment.

31. Jefferson to Governor Charles Pinckney, November 8, 1808:[20]

> It is evident we have before us three only alternatives; 1, embargo; 2, war; 3, submission and tribute. This last will at once be put out of question by every American, and the two first only considered.

32. December 22, 1808, was the occasion for a vigorous expression of the continuing public reaction to the embargo:[21]

> This is the Birthday of the Embargo. This illshapen brat of backstairs intrigue has now lived a year. The first thing of the kind that ever arrived at such an age. And Mr. Jefferson is the only potentate that ever lived, who had either power or will to keep such a monster alive for such a length of time. It surprises and astonishes the present race of mankind, and will be described by generations to come with wonder and amazement. The future historian will search for the reason for the birth, life and adventures of this all devouring animal;

---

[17] The Writings of Jefferson, XII, 36-7.

[18] Ibid., 122.

[19] Ibid., 125.

[20] Ibid., 190.

[21] United States Gazette, December 29, 1808, quoting the Washington Federalist of December 22.

but for the honor of human nature we hope he will search in vain. How much longer we are to pant under the pestiferous breath of this poisonous dragon is not for us to determine. This much we can predict, however, without the spirit of prophecy, that if the fathers of the monster, do not soon stifle it, a Hercules will arise in the north who will put it to rest.

33. This preceded the story of another birthday "celebration" as it appeared in the Boston Repertory on December 27, 1808:

> The yearly course which brings this day about
> Shall never know it but a MOURNFUL DAY,
> He takes my life when he doth take the means by which I live.

34. A selection written by William Cullen Bryant:[22]

THE EMBARGO, or Sketches of the Times
A Satire By a Youth of Thirteen.

Curse of our nation, source of countless woes,
From whose dark womb unreckoned misery flows;
Th' embargo rages, like a sweeping wind,
Fear lowers before, and famine stalks behind.
What words, oh, Muse! can paint the mournful scene,
The saddening street, the desolated green;
How hungry labourers leave their toil and sigh,
And sorrow droops in each desponding eye!

See the bold sailor from the ocean torn,
His element, sink friendless and forlorn!
His suffering spouse the tear of anguish shed,
His starving children cry in vain for bread!

* * *

Oh Heaven! defend, as future seasons roll,
This western world from Bonaparte's control,
Preserve our Freedom, and our rights secure,
While truth subsists, and virtue shall endure!

* * *

And Thou, the scorn of every patriot's name,
Thy country's ruin and her council's shame!

* * *

Go search with curious eyes for horned frogs,
Mid the wild waste of Louisiana bogs;
Or where Ohio rolls his turbid stream
Dig for huge bones, thy glory and thy theme.

* * *

---

[22] William Cullen Bryant, The Embargo (Printed for the Purchasers, Boston, 1808).

But quit to abler hands the helm of state
Nor image ruin on thy country's fate . . .

* * *

But vain the wish, for hark! the murmuring meed,
Of hoarse applause, from yonder shed proceed;
Enter, and view the thronging concourse there,
Intent, with gaping mouth, and stupid stare,
While in the midst their supple leader stands,
Harangues aloud, and flourishes his hands;
To adulation tune his servile throat,
And sues, successful for each blockhead's vote.

* * *

But should truth shine, distinguishingly bright,
And lay his falsehoods naked to the sight;
He tries new arts to blind their willing eyes,
Feeds with new flatteries, hammers out new lies;
Exerts his influence, urges all his weight;
To blast the laurels of the good and great;
Till reconfirm'd the fools uphold him still,
Their creed, his dictum, and their law, his will.

35. From the United States Gazette of December 29, 1808:

Mr. Jefferson, despising the maxims and opinions of all the statesmen that ever preceded him, either in this or in any other country, adopted a political system of experiments about twelve months since founded upon the doctrine of choices; and although his schemes have turned up nothing but disappointment, he and his friends will not abandon them, because it would be an acknowledgement of their errors.

36. Senator Timothy Pickering of Massachusetts wrote:[23]

It is scarcely conceivable that Mr. Jefferson should so obstinately persevere in the odious measure of the embargo, which he cannot but see has impaired his popularity and hazards its destruction, if he were not under secret engagements to the French Emperor,--unless you can suppose that he would run that hazard and the ruin of his country, rather than that a measure which he explicitly recommended should be pronounced unwise. . . . When we advert to the real character of Mr. Jefferson, there is no nefarious act of which we may not suppose him capable. He would rather the United States should sink, than change the present system of measures. . . .

---

[23] Henry Adams, Second Administration, II, 358-9.

37. Spelled backward, EMBARGO becomes OGRABME. The word on many occasions became GO BAR EM and MOB RAGE. It was also on many occasions called DAMBARGO.[24]

> [This document is a political cartoon in which a snapping turtle, symbolic of the embargo ('Ograbme' in the cartoon), prevents the loading of American goods on British ships, much to the distress of the American merchants.]

38. A comparison of electoral votes in 1804 and 1808:[25]

	1804		1808		
	Jefferson (Rep.)	Pinckney (Fed.)	Madison (Rep.)	Pinckney (Fed.)	Clinton (Ind.)
Connecticut		9		9	
Delaware		3		3	
Georgia	6		6		
Kentucky	8		7*		
Maryland	9	2	9	2	
Massachusetts	19			19	
New Hampshire	7			7	
New Jersey	8		8		
New York	19		13		6
North Carolina	14		11	3	
Ohio	3		3		
Pennsylvania	20		20		
Rhode Island	4			4	
South Carolina	10		10		
Tennessee	5		5		
Vermont	6		6		
Virginia	24	—	24	—	—
Total	162	14	122	47	6

*One Kentucky elector did not vote.

---

[24] Thomas A. Bailey, A Diplomatic History of the American People (Appleton-Century-Crofts, Inc., New York, 1950), 120.

[25] Statistical Abstract of the United States.

39. United States Senator John Quincy Adams lived in Massachusetts, the heart of Federalist opposition to the embargo. After much soul-searching, this son of a Federalist president decided to support the Republican president and the embargo. On June 3, nine months before his term was to expire and about six months before it was customary to hold senatorial elections, the Massachusetts legislature rejected his bid for re-election, Senators at that time being elected by the state legislatures which also set the date of the election. Ironically, Adams later returned to politics, eventually becoming the sixth President of the United States. From his diary:[26]

> /Adams discusses the personal attacks he received because of the political course he chose. He mentions the fact that a Senate election was held before the usual time in the year in order to get him out of office. He then explains how he was finally forced to resign his Senate seat because of resolutions that were passed which imposed the will of the state legislature on "their Senators"./

B. Jefferson's Continuing Trial

1. In December of 1808 President Jefferson called on Congress for greater power to enforce the embargo. The proposed law would require coasting vessels to post a bond worth six times the value of the ship and cargo, and give broad discretionary powers to collectors who had to judge whether there was an intent to violate the embargo.[27]

Section II reads:[28]

---

[26] Alan Nevins, ed., The Diary of John Quincy Adams, 1794-1845 (Longmans, Green and Co., New York, 1929), 57.

[27] Henry Adams, Second Administration, IV, 398.

[28] Annals of Congress, Tenth Congress, Second Session, 296.

> That it shall be lawful for the President of the United States or such other person as he shall have empowered for that purpose, to employ such part of the land or naval force, or militia of the United States, or of the Territories thereof, as may be judged necessary, in conformity with the provisions of this and the other acts respecting the embargo, for the purpose of preventing the illegal departure of any ship or vessel, or of detaining, taking possession of, and keeping in custody any ship or vessel, or taking into custody and guarding any specie or articles of domestic growth, produce, or manufacture, and also for the purpose of preventing and suppressing any armed or riotous assemblage of persons resisting the custom-house officers in the execution of their duties, or in any manner opposing the execution of the laws laying an embargo, or otherwise violating, or assisting and abetting violations of the same.

2. Senator Hillhouse of Connecticut, in a long speech against the bill, argued:[29]

> Has the embargo, which was professed to be laid for the benevolent purpose of "preparing our vessels, our seamen and our merchandise," become so unpopular, so odious, that it cannot be executed through the mild medium of courts of justice; but that the country must be put under martial law, and the bayonet of the soldier substituted in the place of the tribunal of justice? If so, it ought to be repealed. In a Government like ours, resting wholly on the popular voice, no law ought to be continued that will require a military execution.

3. The Enforcement Act passed the Senate, 20 to 7, and after several exhausting sessions and an embittered all night debate, it was accepted by the House 71 to 32. In this letter to the governors, note the manner in which Jefferson desired to use the power accorded him by the Act.[30]

> Sir,--The pressure of the embargo, although sensibly felt by every description of our fellow citizens, has yet been cheerfully borne by most of them, under the conviction that it was a temporary evil, and a necessary one to saveuus from greater and more permanent evils,--the loss of property and surrender of rights. But it would have been more cheerfully borne, but for the knowledge that, while honest men were religiously observing it, the unprincipled along our seacoast and frontiers were fraudulently evading it; and that in some parts they

---

[29] Ibid., 297.

[30] The Writings of Jefferson, XII, 232-3.

had even dared to break through it openly, by an armed force too powerful to be opposed by the collector and his assistants. To put an end to this scandalous insubordination to the laws, the Legislature has authorized the President to empower proper persons to employ militia, for preventing or suppressing armed or riotous assemblages of persons resisting the custom house officers in the exercise of their duties, or opposing or violating the embargo laws. He sincerely hopes that during the short time which these restrictions are expected to continue, no other instances will take place of a crime of so deep a dye. But it is made his duty to take the measures necessary to meet it. He therefore requests you, as commanding officer of the militia of your State, to appoint some officer of the militia, of known respect for the laws, in or near to each port of entry within your State, with orders, when applied to by the collector of the district, to assemble immediately a sufficient force of his militia, and to employ them efficaciously to maintain the authority of the laws respecting the embargo, and that you notify to each collector the officer to whom, by your appointment, he is so to apply for aid when necessary. He has referred this appointment to your Excellency, because your knowledge of characters, or means of obtaining it, will enable you to select one who can be most confided in to exercise so serious a power, with all the discretion, the forbearance, the kindness even, which the enforcement of the law will possibly admit,--ever to bear in mind that the life of a citizen is never to be endangered, but as the last melancholy effort for the maintenance of order and obedience to the laws.

4. On January 4, 1809 while the bill was being debated in Congress The Balance and New York State Journal commented that the bill "exhibits despotism without even a cobweb to cover its nakedness." Three days later this newspaper called the bill a "hideous monster of oppression," continuing:

> Despotism is no new thing. Tyrants have lived in all ages, and in all countries. But the annals of the world cannot furnish an instance, where a despot has so unreservedly spread his system upon paper and where a tyrant has so boldly attempted to rob the people of their rights, under the color of law. . . .

5. This poem appeared in The Balance and New York State Journal, January 4, 1809:

My lot is cast in, life's low humble vale;
What can I do, when acts like these assail
Our sacred rights, and, leaving us the form,
Shall snatch off freedom in the gathering storm?
I see the tempest! Patriots, take your stand!
I will obey, whoever may command.

6. From the Boston Repertory of January 20, 1809:

On Sunday last, the new Embargo Act arrived in town. On Monday, our Collector, the venerable General Lincoln, who is now descending to the grave with wounds, received in the struggle for Freedom; and Benjamin Wild, Esq., Deputy Collector, both Resigned Their Offices.

7. Some citizens of Boston passed this resolution:[31]

> [This selection is a copy of a resolution in which some citizens of Boston announce their refusal to help carry out the stipulations of the Embargo Act and their opposition to those who do.]

8. From the Boston Columbian Centinel of February 22, 1809:

There is a prospect that New England will become a theatre of hostile operations against the government of the United States, and the integrity of the Union. . . .

This project, foul, abominable, and murderous as it is, is now agitated in federal caucuses. It has become the topic of common conversation with leading federal men.

9. Representative Joseph Story of Massachusetts wrote to Mr. William Fettyplace, January 14, 1809:[32]

I hear so many stories of rebellion and discontent, and so many letters reach us of hatred to the embargo, that at times we almost despond.. We fear that there is not virtue enough to save the country, or its rights.

10. A group from New York sent this resolution to Congress:[33]

To hardships, deprivations, and oppressions, such as this act may impose, it scarcely can be expected that the freemen of this country will submit.

They can never submit to military government.

---

[31] Walter Wilson Jennings, "The American Embargo," 143.

[32] William W. Story, ed., Life and Letters of Joseph Story (Charles C. Little and James Brown, Boston, 1851), I, 176.

[33] Annals of The Congress, Tenth Congress, Second Session, 1779-80.

They can never surrender the trial by jury.

They can never consent to hold their property subject to the arbitrary control of any man.

They can never surrender those other essential rights of freemen which are guaranteed by the State and General Constitutions, which their fathers fought to maintain and which, when the occasion calls for it, they will also know how to defend. . . .

We solemnly forewarn our Government of the dangers which may ensue from an attempt to array its powers against the rights of the citizens, or to enforce an act which can never be executed against the will of a free people.

11. From the National Intelligencer, January 30, 1809:

Resolved, That the embargo is a measure of prudence, policy, and patriotism--has our entire approbation, and that, in our opinion, had it been rigidly observed, it would have produced all the good hoped for by its friends, and have prevented the necessity of a recurrence to any other means to ensure justice from the belligerent nations.

12. As printed in the Baltimore Evening Post on January 30, 1809 a letter from Liverpool declared:

Your embargo is severely felt here. We shall be deprived of Bread during the present winter. All our flour has been consumed, and we have no hopes of receiving a supply. The people have attributed their distress to the British government. They are satisfied that the measures of your government are in support of your just rights, and there are hundreds here ready to emigrate to the United States if they possessed the means.

13. Years later, Representative Joseph Story of Massachusetts wrote:[34]

The whole influence of the Administration was directly brought to bear upon Mr. Ezekiel Bacon and myself, to seduce us from what we considered a great duty to our country, and especially to New England. We were scolded, privately consulted, and argued with, by the Administration and its friends, on that occasion. I knew, at the time, that Mr. Jefferson had no ulterior measure in view, and was determined on protracting the embargo for an indefinite period, even for years. I was well satisfied, that such a course would not and could not be borne by New England, and would bring on a direct rebellion. It would be ruin to the whole country. Yet Mr. Jefferson, with his usual visionary obstinacy, was determined to maintain it; and the New England Republicans

②

---

[34] Story, Life and Letters, 187.

> were to be made the instruments. Mr. Bacon and myself resisted, and measures were concerted by us, with the aid of Pennsylvania, to compel him to abandon his mad scheme. For this he never forgave me.

14. Congress spent most of February, 1809, debating the fate of the embargo. The measure under consideration, called the Non-Intercourse Act, would continue to exclude trade with Great Britain and France until one or the other accepted the American concept of neutrality, but included this section:[35]

> And be it further enacted, That so much of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and of the several acts supplementary thereto, as forbids the departure of vessels owned by citizens of the United States, and the exportation of domestic and foreign merchandise to any foreign port or place, be, and the same is hereby, repealed, after the fifteenth day of March, one thousand eight hundred and nine, except so far as they relate to Great Britain or France, or their colonies or dependents, or places in the actual possession of either. . . .

15. The historian Henry Adams describes the debate:[36]

> Entreaty and argument were thrown away. The house lost discipline, self-respect, and party character. No one felt responsible for any result, no majority approved any suggestion. As the last days of the session drew near, the machinery of legislation broke down, and Congress became helpless. So strange and humiliating a spectacle had not before been seen. The nation seemed sinking into the weakness of dissolution. . . .
>
> Vote after vote was taken; again and again the ayes and noes were called on dilatory motions of adjournment; but every motion looking toward war was steadily voted down, and in the end, February 27, the Non-Intercourse Bill in its most unresisting shape received the approval of the House. Not a speaker defended it; at the last moment the charge was freely made that the bill had not a single friend. The members who voted for it declared in doing so that the measure was a weak and wretched expedient, that they detested it, and took it merely as a choice of evils; but eighty-one members voted in its favor,

---

[35] Annals of the Congress of the United States, Tenth Congress, Second Session, 1828.

[36] Henry Adams, Second Administration IV, 450-1.

and only forty in the negative. More extraordinary still, this non-intercourse, which bound the South to the feet of New England, was supported by forty-one Southern members, while but twelve New England representatives recorded their names in its favor.[37]

16. Representative Sloan of New Jersey spoke immediately before the vote was taken in the House:[38]

> Mr. Sloan declared that his [colleagues] could not detest the bill more than he did; and yet he should vote for it for this reason, that the people, as well as himself, were so heartily tired of the embargo that they would be glad to get anything else in place of it. Another reason was, that it contained a limitation to the embargo laws, and he hoped that the embargo would expire at the time limited, never again to be resuscitated; that it would be dead, dead, dead.

17. It fell to Thomas Jefferson to decide whether to sign or veto the repeal of the policy on which he had staked his foreign policy. There is no indication that he gave the possibility of a veto serious consideration. He signed on March 1, 1809, three days before leaving office. Four days later he wrote to General John Armstrong:[39]

> After fifteen months' continuance it is now discontinued because, losing $50,000,000 of exports annually by it, it costs more than war, which might be carried on for a third of that, besides what might be got by reprisal. War therefore must follow if the edicts are not repealed before the meeting of Congress in May. . . .

18. A historian of New Haven, Connecticut, evaluates the effects of the embargo upon one New England seaport:[40]

> [In this selection the devastating impact of the Embargo on the economy of New Haven is discussed in detail. Farmers, sailors, shipwrights and merchants were left in despair and all attempts to revive New Haven as a major port after the war were to no avail.]

---

[37] The measure had passed the Senate 21 to 12.

[38] Annals of The Congress, Tenth Congress, Second Session, 1541.

[39] The Writings of Jefferson, XII, 261.

[40] Rollin G. Osterweis, Three Centuries of New Haven, 1638-1938 (Yale University Press, New Haven, 1953), 201.

19. The embargo's effect on the exportation of sugar and pepper from the United States is shown by these graphs. Note that the substitution of non-intercourse brought only a partial revival of this trade.[41]

> [This selection is made up of two line graphs indicating the fluctuations in the exports of sugar and pepper between 1791 and 1812. The decline of both after 1807 is notable.]

20. After painting a glowing picture of the state of the nation in 1800, a contemporary evaluated Jefferson's presidency:[42]

> What is the state of the country now, as it passes out of his hands? --Why this--this is Mr. Jefferson's work:--
>
> Our agriculture discouraged--
> Our fisheries abandoned--
> Our navigation forbidden--
> Our commerce at home restrained if not annihilated--
> Our commerce abroad cut off--
> Our navy sold, dismantled, or degraded to the service of Cutters and Gun-boats--
> The revenue extinguished--
> The course of justice interrupted--
> The military power exalted above the civil--
>
> And by setting up a standard of political faith, unknown to the Constitution, the nation weakened by internal animosities and division, at the moment when it is unnecessarily and improvidently exposed to war with Great Britain, France and Spain.
>
> So great a change accomplished in so short a time is unexampled in the history of weak and unfaithful administrations, and can have proceeded only from the want of that capacity, integrity and prudence, without which no government can long preserve the prosperity or the confidence of the country.

21. Former President Jefferson wrote to General Henry Dearborn, July 16, 1810:[43]

---

[41] Anna Cornelia Clauder, American Commerce, 73-4.

[42] Anonymous, Memoirs of the Hon. Thomas Jefferson, (Printed for the Purchasers, 1809), II, 433-4.

[43] The Writings of Jefferson, XII, 398.

> The federalists . . . by forcing us from the embargo, inflicted a wound on our interests which can never be cured, and on our affections which will require time to cicatrize. . . . They believed in the alternative of repeal or civil war, and produced the fatal measure of repeal. This is the immediate parent of all our present evils, and has reduced us to a low standing in the eyes of the world. . . . I have ever been anxious to avoid a war with England, unless forced by a situation more losing than war itself. But I did believe we could coerce her to justice by peaceable means, and the embargo, evaded as it was, proved it would have coerced her had it been honestly executed. . . .
>
> I am not certain that the change on Massachusetts, by driving her to agriculture, manufactures and emigration, will lessen her happiness. . . .

22. In 1816, Jefferson looked back:[44]

> . . . Where every man is a sharer in the direction of his ward-republic, or of some of the higher ones, and feels that he is a participator in the government of affairs, not merely at an election one day in the year, but every day; when there shall not be a man in the State who will not be a member of some one of its councils, great or small, he will let the heart be torn out of his body sooner than his power be wrested from him by a Caesar or a Bonaparte. How powerfully did we feel the energy of this organization in the case of embargo? I felt the foundations of the government shaken under my feet by the New England townships. There was not an individual in their States whose body was not thrown with all its momentum into action; and although the whole of the other States were known to be in favor of the measure, yet the organization of this little selfish minority enabled it to overrule the Union. . . .

23. On March 2, 1809, the day after he signed the embargo repeal, Jefferson wrote to his old friend Monsieur Dupont de Nemoirs:[45]

> . . . Within a few days I retire to my family, my books and farms; and having gained the harbor myself, I shall look on my friends still buffeting the storm with anxiety indeed, but not with envy. Never did a prisoner, released from his chains, feel such relief as I shall on shaking off the shackles of power. Nature intended me for the tranquil pursuits of science, by rendering them my supreme delight. But the enormities of the times in which I have lived, have forced me to take a part in resisting them, and to commit myself on the boisterous ocean of political passions. I thank God for the opportunity of retiring from them without censure, and carrying with me the most consoling proofs of

---

[44] Ibid., XIV, 422.

[45] Ibid., 259-60.

public approbation. I leave everything in the hands of men so able to take care of them, that if we are destined to meet misfortunes, it will be because no human wisdom could avert them. Should you return to the United States, perhaps your curiosity may lead you to visit the hermit of Monticello. He will receive you with affection and delight; hailing you in the meantime with his affectionate salutations and assurances of constant esteem and respect.

24. Henry Adams, the outstanding nineteenth century historian of the Jeffersonian period, discusses Jefferson's retirement:[46]

> Loss of popularity was his bitterest trial. He who longed like a sensitive child for sympathy and love left office as strongly and almost as generally disliked as the least popular President who preceded or followed him. He had undertaken to create a government which should interfere in no way with private action, and he had created one which interfered directly in the concerns of every private citizen in the land. He had come into power as the champion of State-rights, and had driven States to the verge of armed resistance. He had begun by claiming credit for stern economy, and ended by exceeding the expenditure of his predecessors. . . .
>
> In truth, the disaster was appalling; and Jefferson described it in moderate terms by admitting that the policy of peaceable coercion brought upon him mortification such as no other President ever suffered. So complete was his overthrow that his popular influence declined even in the South. Twenty years elapsed before his political authority recovered power over the Northern people; for not until the embargo and its memories faded from men's minds did the mighty shadow of Jefferson's Revolutionary name efface the ruin of his Presidency. Yet he clung with more and more tenacity to the faith that his theory of peaceable coercion was sound. . . .
>
> A discomfiture so conspicuous could not fail to bring in its train a swarm of petty humiliations which for the moment were more painful than the great misfortune. Jefferson had hoped to make his country forever pure and free; to abolish war, with its train of debt, extravagance, corruption, and tyranny; to build up a government devoted only to useful and moral objects; to bring upon earth a new era of peace and good-will among men. Throughout the twistings and windings of his course as President, he clung to this main idea; or if he seemed for a moment to forget it, he never failed to return and to persist with almost heroic obstinacy in enforcing its lessons. By repealing the embargo, Congress avowedly and even maliciously rejected and trampled upon the only part of Jefferson's statesmanship which claimed originality, or which in his own opinion entitled him to tank as a philosophic legislator. The mortification he felt was natural and extreme, but such as every great statesman might expect, and such as most of them experienced. The supreme bitterness of the moment lay

---

[46] Henry Adams, Second Administration, IV, 454, 463-4, 469.

rather in the sudden loss of respect and consideration which at all times marked the decline of power, but became most painful when the surrender of office followed a political defeat at the hands of supposed friends.

These mortifications, which rapidly followed each other in the last days of February, were endured by Jefferson with dignity and in silence. Perhaps senators would have better understood and might have more respected a vigorous burst of anger, even at some cost of dignity, than they did the self-restraint of the sensitive gentleman who had no longer a wish but to escape from Washington and seek peace in the calm of Monticello. . . .

SECTION V

ASSESSING THE POLICY

1. An outstanding philosopher of the sixteenth century, Niccolo Machiavelli, discussed the responsibility of a leader:[1]

> [Machiavelli notes that a wise political leader "neglects no prudent precaution," knows the temper of his people so that they will remain faithful to him, and discerns evils before they develop.]

2. Walter Lippmann, outstanding modern political analyst, writes in his book, *Essays in the Public Philosophy*, in a chapter entitled "The Democratic Malady":[2]

> [Lippmann asserts that public opinion can be and has been a hindrance to the efficient and wise operation of a democratic government.]

3. A leading diplomatic historian, Thomas Bailey, assessed the embargo and the role of Jefferson:[3]

> [Bailey analyzes the reasons for the apparent failure of the embargo and then questions whether, in the long run, it really was a failure since it held off war and stimulated industrialization by driving capital and labor into manufacturing.]

---

[1] Niccolo Machiavelli, *The Prince*, Charles W. Eliot, ed., (P. F. Collier and Sons, New York, 1910), 37, 49, 83. (This material reprinted with the kind permission of Crowell, Collier and Macmillan, Inc.)

[2] Walter Lippmann, *Essays in the Public Philosophy* (Little, Brown and Company, Boston, 1955), 20, 24, 27. (From THE PUBLIC PHILOSOPHY by Walter Lippmann, Copyright 1955, by Walter Lippmann. Reprinted by permission of Atlantic-Little, Brown and Company, publishers.)

[3] Thomas A. Bailey, *A Diplomatic History*, 122-3.

EPILOGUE

For three years after repeal the United States continued a more limited form of economic coercion against Great Britain and France.

By 1811 Napoleon was induced to lift his decrees against United States' trade. In 1811 crops failed in England. Food prices rose, and the people there, wearied of shortages, began to put great pressure on their government to accede to American demands and re-establish trade with the United States. As a result, on June 23, 1812, Britain repealed her orders-in-council, thereby lifting all trade restrictions.

Meanwhile, the American government, under pressure from land-hungry Western interests, and tired of attempting to gain neutral rights from Britain, declared war on June 18, 1812. The ship from London carrying repeal of the order-in-council, and the ship from Washington bearing the declaration of war, crossed paths in the Atlantic, neither knowing of the other's message.

If the United States had gone to war in 1807, it would have been a united nation--but fighting a war the tiny democracy could not hope to win. In 1812, a divided nation went to war--but faced an opponent then war-weary and hungry for trade. The war in Europe was nearly at an end and the British, who were soon to triumph over Napoleon, had no real desire to fight the United States.

Did economic coercion fail? Thomas Bailey's conclusion is worthy of debate: "In the end Jefferson's policy triumphed; but America was not patient enought to reap the benefits."[1]

---

[1] Thomas A. Bailey, A Diplomatic History, 123.

SUGGESTIONS FOR FURTHER READING

There are scores of excellent works on Jefferson and the embargo for anyone interested in reading further. The standard work is Henry Adams, History of the United States During the Administration of Thomas Jefferson. Written in the 1880's, it is detailed but beautifully written, a classic of historical scholarship. A modern abridgement is by Herbert Agar, editor, The Formative Years. Thomas Jefferson, A Biography is a highly readable modern biography of Jefferson by Nathan Schnachner. Another is by Albert Jay Nock, Jefferson. The historian Dumen Malone is writing a multi-volume biography of Jefferson. His volumes are excellent for Jefferson's early career but have not yet reached the period of the embargo. Numerous collections of Jefferson's own writings are available. Particularly useful are those by Saul K. Padover, ed., The Complete Jefferson and Bernard Mayo, ed., Jefferson Himself. Richard Hofstadter has written a provocative and lively essay on Jefferson and his ideas, entitled "Thomas Jefferson: The Aristocrat as Democrat" and can be found in Hofstadter's The American Political Tradition.*

The best diplomatic histories of the United States are those by Samuel Flagg Bemis, A Diplomatic History of the United States and Thomas A. Bailey, A Diplomatic History of the American People. Either or both would be useful for a background of the diplomacy leading to the embargo, and the interested student would find many suggestions for additional reading in the bibliographies and footnotes of each.

---

*Available in papefback edition.